



**Study to support an Impact Assessment on a possible initiative related to improving rules on deactivation, destruction and marking procedures of firearms in the EU, as well as on alarm weapons and replicas**



*June – 2014*



**EUROPEAN COMMISSION**

Directorate-General Home Affairs

Directorate D— Strategy and Delivery Steering

Unit D 1 - Strategic policy, interinstitutional relations and agencies

*European Commission*

*B-1049 Brussels*

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Luxembourg: Publications Office of the European Union, 2014

ISBN 978-92-79-399338-1  
doi: 10.2837/8433

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## **ABSTRACT**

Being the security of citizens a key concern of the European Union (EU), and because of the potential of firearms to cause harm, the acquisition, possession and import/export of firearms for civilian use is subject to a comprehensive EU regulatory framework. However, gaps in the current legislation and shortcomings in its implementation at national level risk creating several vulnerabilities to criminal activity.

This report, supporting an Impact Assessment study, investigates the possible actions for the improvement of rules on marking, deactivation and destruction of firearms, and the better regulation of alarm weapons (i.e. weapons designed to fire blank ammunitions) and replicas (imitation firearms) that can be easily convertible.

The evidence collected during the study pointed out several threats that challenge EU citizens' security and that need to be addressed, and some legal and administrative obstacles related to the effective and efficient implementation of the EU legislative framework. The result is the definition of a set of recommended actions, aimed at strengthening the understanding of rules to be applied to certain types of weapons, such as alarm weapons and replicas, and at promoting the further harmonization and effective implementation of the current legal framework on deactivation and marking of firearms in the EU.

## **RÉSUMÉ**

La sécurité des citoyens étant au cœur des priorités de l'Union européenne (UE) et en raison de la possibilité pour les armes à feu de causer des dommages, l'acquisition, la possession et l'importation/exportation des armes à feu à usage civil sont soumises à un cadre réglementaire extensif au niveau de l'UE. Cependant, des lacunes dans la législation actuelle et dans sa mise en œuvre risquent de créer au niveau national plusieurs vulnérabilités à l'activité criminelle.

Ce rapport, soutenant une analyse d'impact, évalue les actions possibles pour l'amélioration des règles sur le marquage, la neutralisation et la destruction des armes à feu, et l'amélioration de la réglementation des armes d'alarmes et des répliques (imitations des armes à feu) qui peuvent être facilement converties.

Les éléments récoltés tout au long de l'étude mettent en évidence plusieurs menaces à la sécurité des citoyens européens, et certains obstacles juridiques et administratifs liés à la mise en œuvre du cadre législatif européen. Le résultat est la définition d'un ensemble de mesures recommandées, visant à renforcer la compréhension des règles à appliquer à certains types d'armes, comme les armes d'alarme et les répliques, et à promouvoir une plus grande harmonisation et une mise en œuvre effective du cadre juridique actuel sur la neutralisation et le marquage des armes à feu dans l'UE.

Study to support an Impact Assessment on a possible initiative related to improving rules on deactivation, destruction and marking procedures of firearms in the EU, as well as on alarm weapons and replicas – Final Report

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## 1 POLICY CONTEXT

### 1.1 The policy developments at EU level

#### What has been done already?

Since the European Union (EU) was created, the issues related to public safety and citizens' security have been key concerns. The EU has progressively created a **space in which people and goods can freely move** with the abolishing of internal restrictions, which provides large and tangible benefits, but also **creates certain vulnerabilities**.

With the **possession, acquisition and circulation of weapons** being a potential challenge in an integrated economic and social space, starting from the first regulation in 1991, the EU approach aimed at striking the balance between the security of EU citizens on the one hand, and the safeguarding of the internal market and free movement of persons on the other hand, by combining the undertaking "to ensure a certain freedom of movement for some firearms within the Community, and the need to control this freedom using security guarantees suited to this type of product"<sup>1</sup>.

**Several measures have been taken by the EU over the years**, based on **developments at both the EU and international level**, and aimed at addressing the **issues and vulnerabilities which can emerge along the life cycle of a firearm** (from production to trade, ownership and possession, deactivation and destruction).

The **Directive 91/477/EEC** was adopted as an accompanying measure for the internal market with the aim of **simplifying the freedom of movement of firearms within the internal market and**, at the same time, of **introducing some safeguards** concerning the acquisition and possession of weapons. The Directive lays down the minimum requirements that MS should impose as regards the acquisition and possession of the different categories of firearms<sup>2</sup> and regulates the conditions for the transfer of firearms across MS, while granting more flexible rules for hunting and target shooting<sup>3</sup>.

The amendment approved in 2008, i.e. Directive **2008/51/EC**<sup>4</sup> (hereafter the Firearms Directive), intervened in two main domains of actions:

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<sup>1</sup> Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

<sup>2</sup> As one of the central aspect, Annex I of Directive 91/477/EEC establishes 4 categories of firearms, by order of level of danger:

- "Category A, consisting of prohibited firearms – military weapons";
- "Category B including firearms subject to authorisation – used mostly by marksmen and hunters";
- "Category C covering firearms subject to declaration – essentially firearms used by hunters";
- "Category D for other firearms – which mainly applies to single-shot long firearms with smooth-bore barrels".

<sup>3</sup> Granted that Member States are in principle entitled to take more stringent measures than those provided for by the Directive.

<sup>4</sup> The amendment followed two subsequent factors: a) The signing on January 16, 2002, by the European Commission on behalf of the European Community, of the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime; b) results and proposals for improvement (e.g., deactivated weapons, export and import licenses, record keeping, marking) of the Commission report of

- On the one hand, the revised legislative instrument **reinforced the security aspects**, by introducing provisions such as the authorization to sell firearms on the condition of a **check on the private and professional integrity of the dealer**, the need to prove to have a **'good cause' to buy or own a firearm** and to be at least 18 years old, and finally the **computerized record keeping systems** for firearms for a minimum of 20 years.
- On the other hand, the amendment increased the level of detail of the specification related to the scope of Directive 91/477/EEC and related definitions. In particular:
  - the **definition of firearm** in the scope of the Directive was detailed by including "an object capable of being converted to expel a shot, bullet or projectile [...] if it has the appearance of a firearm, and [...] it can be so converted"<sup>5</sup>, and therefore extending the scope to products which have the appearance of a firearm and can be converted;
  - new rules for the **marking** and **deactivation of civilian firearms** (e.g., by a competent authority) were introduced.

These developments in the EU legislation have a close relationship with the development of the **UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition** (hereafter the Firearms Protocol), supplementing the United Nations Convention against Organized Crime. The Firearms Protocol entered into force in 2005, at which time the United Nations established a process to review its implementation under the Conference of Parties to the Convention against Organized Crime (hereafter CTOC). A CTOC expert group has managed consultations on many aspects of the Firearms Protocol, including those that are the focus of the present project, notably the **deactivation and destruction of firearms**. Moreover, in 2010 the United Nations Office of Drugs and Crime (UNODC) developed a thematic programme to lay the foundation for discussion of possible future amendments to the Firearms Protocol. The issues in the thematic programme include strengthening the legal and institutional regime for the destruction of firearms.

On this basis, **Regulation No. 258/2012**<sup>6</sup> transposed into internal law article 10 of the UN Firearms Protocol, by establishing **rules for export authorization, import and transit measures for non-military firearms coming from or directed to third countries**. By doing so, the EU introduced the principle that firearms<sup>7</sup> and related items should not be transferred between Member States without the knowledge and consent of all Member States involved. Any export of firearms, their parts, and essential

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December 2000 on the implementation of the Directive 91/477/EEC<sup>4</sup> following its transposition into national law by all the Members States - COM (2000) 837, Report from the Commission to the European Parliament and the Council. The implementation of the Council Directive 91/477/EEC of 18 June 1991 on control of acquisition and possession of weapons.15/12/2000.

<sup>5</sup> According to the Directive 2008/51/EC Firearm shall mean "any portable barrelled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant [...]. For the purpose of this Directive, an object shall be considered as capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if it has the appearance of a firearm and as a result of its construction or the material from which it is made, it can be so converted".

<sup>6</sup> Regulation No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of an trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised crime (UN Firearms Protocol) and establishing export authorisation, an import and transit measures for firearms, their parts and components and ammunition.

<sup>7</sup> The scope of the Regulation covers firearms for civilian use and excludes firearms that are intended for military purposes.

components and ammunition is subject to an authorization granted by the competent authorities of the Member State where the exporter is established. At the same time, simplified procedures for temporary exports by hunters or sport shooters to a third country are granted<sup>8</sup>.

### **Current status of marking, deactivation and destruction, and of rules on alarm weapons and replicas in the Firearms Directive**

The developments shortly described above represent the overall EU legislative framework related to the issues under discussion in the present study. Minimum requirements on the acquisition, possession and circulation of firearms were established at EU level, whereas Member States maintain the authority to impose stricter controls. The provisions in the EU legislation leave scope for national interpretation, standards and procedures on namely:

- **Marking:** The Firearms Directive establishes that “MS shall, at the time of manufacture of each firearm, either:
  - (a) require a unique marking ... (including fixed information)... without prejudice to the affixing of the manufacturer’s trademark;
  - (b) Maintain any alternative unique user-friendly marking with a number or alphanumeric code, permitting ready identification by all States of the country of manufacture.”

Moreover, the marking shall be affixed to “an essential component of the firearm, the destruction of which would render the firearm unusable”.

Under current legislation, Member States may use a unique marking system, provided that it permits ready identification of the country of manufacture. Member States are obliged to set up a computerized data filing system, to maintain data on firearms, and to store that data for a minimum of twenty years. This filing system should be in place on or before 31 December 2014.

- **Deactivation:** The Firearms Directive establishes minimum restrictions and includes the obligation for MS to make arrangements for the deactivation measures to be verified by a competent authority. The Authority must ensure that the national procedures for deactivation of firearms render the weapons permanently deactivated. The Commission has been asked to establish technical guidelines for such procedures.
- **Destruction:** The Firearms Directive does not establish any rules to the destruction of firearms. Article 6 of the Firearms Protocol underlines that destruction should be the means of disposal for firearms that are seized and forfeited, unless other disposal has been officially authorized.
- **Alarm weapons:** Alarm and signal weapons are excluded from the definition of firearms in the EU Directive “provided that they can be used for the stated purpose only”. The Firearms Directive classifies those alarm weapons that may be convertible as firearms (Article 1).
- **Replicas:** Based on the amended definition of firearms pointed out above, the Firearms Directive applies to an object that “has the appearance of a firearm, and as a result of its construction or the material from which it is made it can be so converted”. Replicas that cannot be converted are outside the scope of the

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<sup>8</sup> Article 9 of the Regulation No. 258/2012, implementing the non-binding provision of Article 10(6) of the Firearms Protocol.

Directive. However, no specific definition of “replicas” or “converted replica” is detailed. As a result, the term replicas covers objects which differ considerably from one MS to another including those which simply resemble a firearm to those which are identical to one, clones of real weapons, or reproduction of historical weapons. In 2010, the EC presented a **report on replica firearms** and the potential risks related to their conversion into real firearms, which concluded that the extension of the scope of the Firearms Directive (2008/51/EC) to replicas would be disproportionate and detrimental to the internal market objective. However, the report also recognized that realistic replicas that are close imitations of firearms “can be intimidating and be used to commit an offence”<sup>9</sup>.

## The way forward

The security of EU citizens is a key priority in the work of the European Commission, which is taking several initiatives to manage and reduce the risks posed by civil firearms. The principles guiding the action of the European Commission are embedded in the overall strategy, launched in October 2013, “**Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking**”, aimed at addressing vulnerabilities and safeguard lawful market **through legislation, operational action, training and EU funding**<sup>10</sup>.

The strategy also addresses several issues related to deactivation, destruction and marking of firearms, and rules concerning alarm weapons and replicas. Notably, the three key priorities include:

- **Safeguarding the licit market:** the EU citizens’ right to legally possess firearms and the licit civilian firearms’ market are among the priorities. This objective can be pursued through the clarification of which deactivated weapons, alarm weapons, signal weapons and replicas are subject to the Firearms Directive.
- **Preventing the diversion of firearms into criminal hands:** illegally held firearms are often used by criminal organizations, and constitute a severe harm to the overall security of the EU. The EU security strategy aims to create obstacles to criminal organizations’ access to firearms, including the promotion of destruction as the preferred means of disposal of surplus firearms.
  - A specification for blank-firing imitation weapons making them less easily converted to be live firearms, with a rule that any imitation firearm not conforming to the specification should be regulated as a firearm, would help prevent diversion, but the guidance is currently lacking.
- **Cross border cooperation** is key to enforce the fight against criminal threats through sharing information and experiences and an analysis at European level of the implications of readily convertible alarm weapons, signal weapons and replicas in the collaboration of EUROPOL and the Commission.

The 2013 strategy complements a number of EU initiatives in other key security areas<sup>11</sup>, and it is accompanied by several actions taken by the EU in line with the **international developments**. The ratification of the **Firearms Protocol** by the EU is expected to

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<sup>9</sup> As requested by the 2008 directive, the issue entailed by the replica market has been broadly treated in a 2010 report of the European Commission, The placing on the market of replica firearms, COM(2010)404.

<sup>10</sup> COM(2013) 716 final, Communication from the Commission to the Council and the European Parliament, Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking.

<sup>11</sup> EU Counter-Terrorism Strategy, Council document 14469/4/05, adopted in 2005; EU Strategy to combat illicit accumulation and trafficking of SALW and their Ammunition, Council document 5319/06.

contribute to improve controls on the transfer of firearms, setting high common international standards on imports, exports and transfers and on the manufacturing, and marking<sup>12</sup>.

Moreover, at an operational level, several groups of experts are supporting the cooperation among MS authorities and the legislative work of the EC: the **European Firearms Expert Group (EFE)**<sup>13</sup>, established in 2004, is composed of firearms experts from each Member State. It aims at ensuring, through the joint efforts of all EU Member States, a more effective fight against the illegal movement of firearms. Moreover, a further action has been taken with the **recent establishment of the Firearms Expert Group**<sup>14</sup>, including representatives from academia, research, industry, NGOs, EU agencies and National administrations.

## 1.2 Production and ownership of firearms, replicas and alarm weapons in the EU

Concerning the market for alarm weapons and replicas, there is a serious lack of consolidated statistics at the EU level. Europe-wide statistics record on the production and trade of “firearms”, by aggregating data for wide and different categories of firearms for civilian use<sup>15</sup>, and “other arms”<sup>16</sup>. Moreover, the definition of alarm weapons and replicas is highly variable across MS, and national approaches differ as regard to inclusion of these items under the provisions of the Firearms directive (based on their “convertibility”). Therefore, linking the Eurostat categories with the legislative classifications of firearms and collecting comparable data on alarm weapons and replicas in the different MS is hardly feasible<sup>17</sup>.

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<sup>12</sup> In March 2013, the Commission proposed that the Council decides to approve the UNFP's conclusion on behalf of the Community (COM(2013) 154 final, Proposal for a Council decision on the conclusion, on behalf of the European Union, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime). The protocol has been ratified by the Commission in March 2014.

<sup>13</sup> This group is composed of firearms experts from each EU Member State, from Europol and from associate members Liechtenstein, Norway, Switzerland and Turkey.

<sup>14</sup> Commission Expert Group on illicit trafficking in firearms to safeguard the EU's internal security (E02931), led by DG Home.

<sup>15</sup> Eurostat database PRODCOM on firearms refers to NACE REV 2 classification including: “revolvers and pistols, excluding military firearms, machine-pistols, signal flare firearms, blank firers, captive-bolt humane killers, muzzle loaders, spring, air or gas weapons, imitation weapons”, therefore traditional firearms, as revolvers and pistols, are aggregated with: blank firers, spring air or gas weapons which are generally associated to those classified as “alarm weapons”; imitation weapons, which can be associated with replicas.

<sup>16</sup> Other arms in EUROSTAT database refer to the commodity group 25401290 Other arms (spring, air or gas guns and pistols, truncheons) (excluding for military purposes).

<sup>17</sup> Paragraph 2.2.3 extensively describes the differences in definitions across MS. Particularly when dealing with replicas, the differences in the definitions among MS are even more significant, with some MS using the term replica only for reproductions of antique weapons (e.g. Italy and France), and other MS using this definition for all the reproductions resembling a firearm. Differences in definitions apply also to alarm weapons. For example, in Italy alarm weapons include two categories, differently treated by the legislation, i.e. blank fires, not considered as firearms, and signal weapons included in the category C of the Firearms Directive; in other MS, such as Germany, alarm weapons are generally defined as an overall category of guns for firing blanks, warning shots, irritants or signals. These examples are illustrative cases of the difficulties encountered when comparing data across MS.

The same difficulties are related to the collection of data on the ownership of firearms<sup>18</sup>, on deactivated firearms, alarm weapons and replicas<sup>19</sup>. Estimates of the Small Arms Survey suggest that in the EU 28 around 80 million firearms (both registered and not registered) are held<sup>20</sup>, corresponding to around 16% of the EU population. Other indications on the ownership of civilian firearms are provided by a recent Eurobarometer Survey, indicating that 5% of EU citizens hold a firearm (i.e. more than 25 million citizens)<sup>21</sup>.

According to the findings from this study, collectors have very limited interest in **deactivated weapons and in replica weapons**. The same goes for sportsmen: occasionally sport guns are deactivated, for example in a situation where an athlete wants to hold on to a weapon he or she won a major competition with. Actually, the few estimates provided by MS shows that replica firearms represent less than 1% of firearms tested or registered<sup>22</sup>, while deactivation procedures range from 300 (Romania) to 1.200 (Poland) per year<sup>23</sup>.

**Alarm weapons** definitively represent a more significant share of the market. Some indications on the overall size of the market for replicas and alarm weapons in the EU are provided by specific data available in **Italy** (the main EU producer of firearms, as well as an important player in the production of replicas and alarm weapons<sup>24</sup>), where these goods are tested and traced.

Table 2 provides an overview on the tested firearms, alarm weapons and replicas in the Italian National Proof House for the last two years. The total number is greater than what accounted for in Eurostat statistics provided in the annexes, but can be considered reliable and useful in determining the size of the market of alarm weapons and replicas as it refers to specific data collected while testing these goods.

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<sup>18</sup> The Small Arms Survey (SAS) notes that poor record-keeping, differences in national classifications, overlapping of categories of firearm holders (as some individuals may use their private firearms at work as security guards) are all factors making "impossible to be sure of the total number of *all* guns" (Small Arms Survey 2007: Guns and the City, Chapter 2. Completing the Count: Civilian Firearms). Available data on the production, trade and ownership of firearms in the EU are presented in Annex 1.

<sup>19</sup> As for deactivated firearms, alarm weapons and replicas the lack of data is also due to the fact that many MS do not register these categories.

<sup>20</sup> Small Arms Survey 2007: Guns and the City, Chapter 2. Completing the Count: Civilian Firearms, Annex 4 <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2007/en/Small-Arms-Survey-2007-Chapter-02-annexe-4-EN.pdf>. The number of firearms (80 million) results from the application of the average percentage of firearms on total population (16%) to the EU 28 population in 2007 (i.e. a population equal to 497 million in EU 27, according to the Eurostat statistics in focus 81/2008, plus the Croatian population equal to 4,4 million, according to "Croatian bureau of statistics, population estimate of the Republic of Croatia, 2007).

<sup>21</sup> "Firearms in the European Union", Flash Eurobarometer 383.

<sup>22</sup> We refer to estimates provided through the survey from Malta, Lithuania, Romania and Germany. Italy, a major manufacturer that tests around 120.000 replicas yearly, is the only exception.

<sup>23</sup> Estimates provided by the MS authorities answered to the questionnaire.

<sup>24</sup> Among the major companies producing alarm weapons in Italy, the following can be mentioned: Fratelli Tanfoglio S.n.c., Bruni and Kimar.

**Table 2: Details of firearms<sup>25</sup> tested by Italian National Proof House in 2012 and 2013**

Kind of firearms	2012	2013	% on total
Traditional Firearms	658.794	790.993	77%
Replica and muzzle loaders	96.441	122.692	12%
Blank weapons	49.764	49.060	5%
Signal weapons	42.583	64.898	6%
<b>Total tested firearms</b>	<b>847.582</b>	<b>1.027.643</b>	
<i>Share of import on total tested firearms</i>	2%	2,1%	

*Source: Gardone Val Trompia National Proof House statistics*

In 2013, the Italian national Proof House tested **113.958 alarm weapons (blank and signal weapons<sup>26</sup>)**, representing **11% of total tested firearms** in that year<sup>27</sup> (Table 2). Based on the information collected, this share remained quite stable over the years, with alarm weapons accounting for about **10% of total firearms tested between 2008 and 2013**.

In the same year, also **122.692 replicas and muzzle loaders** have been tested by the Italian Proof House, corresponding to around **12% of total firearms tested<sup>28</sup>**.

**Germany** is the other main manufacturer among EU MS<sup>29</sup>, with **115.000 alarm weapons produced each year**, about 40% of which is exported worldwide<sup>30</sup>.

Taking into account that Italy and Germany are the main producers and that other countries have residual production, the EU production of alarm weapons can be assumed above 230.000 units per year, out of which about 30% are exported outside the EU and 160.000 circulating in the EU. Considering that the volume of firearms produced in the EU between 2010 and 2012 was on average equal to 2,1 million units, alarm weapons can be assumed to represent about 11% of total firearms<sup>31</sup>.

<sup>25</sup> In the category "Traditional firearms" are included "long arms for hunting and sporting" and "short guns/arms for civilian use and sports" and "Components".

<sup>26</sup> For the purpose of homogeneity, we have included under alarm weapons both signal weapons and blank weapons, although the former are considered by the Italian law as regular firearms, while blank weapons are regulated ad hoc.

<sup>27</sup> Data provided by the National Proof House during the meeting in Gardone Val Trompia, on February 14<sup>th</sup> 2014.

<sup>28</sup> The total amount of tested firearms represent the Italian production plus the imported firearms. Imported firearms represent around 2% of the total tested firearms, and 1,2% (1481 units) of replicas and muzzle loaders. Consequently the statistics presented in Table 1 can be used as a proxy of Italian firearms production.

<sup>29</sup> According to Consorzio Armaioli Italiani, interviewed in Gardone Val Trompia (IT) on February 14<sup>th</sup>, Germany is a main player in the production of alarm weapons, with relevant companies in this sector: Umarex, Esc, Simbatek and Waimex. Austria is mentioned as a producer of alarm weapons, with companies such as ISSC.

<sup>30</sup> Data provided by the German Association of manufacturers of Hunting and sporting weapons and ammunition (Verband Der Hersteller Von Jagd-, Sportwaffen Und -Munition). Moreover, according to the data provided by two German Proof Houses (out of the 7 Proof Houses operating in the MS), around 80.000 alarm weapons are tested each year (out of 350.000 tests yearly executed by the two Proof Houses). The number of replicas tested is definitively lower, estimated around 150, each year - data provided by the German Ministry of Interior, on the basis of information collected from the German Proof Houses.

<sup>31</sup> See Annex 1.

However, a high share of alarm weapons circulating in the EU, estimated at 90.000/100.000 units, are imported from Turkey<sup>32</sup>, which benefits from lower production costs and less stringent rules and standards (as compared to some MS such as Italy). Thus, adding imports from Turkey to a minimum of 160.000 units produced and sold in the EU, we can estimate a number of alarm weapons yearly marketed across the EU equal to a minimum of 250.000-260.000 units.

On the other hand, based on information provided by Italian producers, Italian production accounts for 30% of the EU market. This would bring the number of alarm weapons circulating in the EU to around 370.000 units.

We can therefore conclude that the market of alarm weapons is likely to range between 250/260.000 units and 370.000 units.

Although few MS appear to account for the whole production of alarm weapons in the EU, the intra-EU trade of these items involves several MS; for example, with reference to the signal weapons, Italy exports them to many MS, including France, Germany, Czech Republic, Bulgaria, Slovenia, Croatia, Spain, Sweden, Finland, Greece, Slovakia, Poland, Lithuania, Ireland, Estonia, Austria and Portugal. Lithuania, until 2011 (i.e. before the change in the national legislation), was a major market for alarm weapons, with 7.000 alarm weapons<sup>33</sup> yearly registered, representing 5% of circulating firearms<sup>34</sup>.

Finally, **several new trends are affecting** (or have the potential to affect) the circulation of new kinds of weapons and can pose new challenges. This is the case of 3D printing, which recently emerged as a matter of concern in the EU (Box 1).

#### **Box 1: 3D printed guns**

3D-printed guns have begun to be a real concern after the instructions for making the Liberator<sup>35</sup> have been made freely available to download from the internet in May 2013. Since then, the blueprints were downloaded over 100,000 times within two days, before the US State Department demanded the removal of the designs<sup>36</sup>. Spain leads in the ranking of downloads, followed by the US, Brazil, Germany and the UK<sup>37</sup>.

Using these instructions, many law enforcement agencies have started to build their own 3D guns, with a 3D printer<sup>38</sup>, to test their functioning and to discover whether they can be easily smuggled

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<sup>32</sup> According to estimates provided by Consorzio Armaioli Italiani, Turkey produces about 300.000-350.000 alarm weapons per year. Almost 30% is exported to the European market.

<sup>33</sup> Police Department under the Ministry of Interior. According to data provided by Gunpolicy, the total number of registered weapons in the MS was 77.653 in 2007.

<sup>34</sup> In Lithuania the estimated number of firearms amount to almost 140.000 units (based on data provided by MS authorities). According to the Small Arms Survey study ('Completing the Count: Civilian firearms. 'Small Arms Survey 2007: Guns and the City, Cambridge University Press), the estimate of registered firearms in the MS was lower, and around 77.000 units.

<sup>35</sup> The Liberator is plastic gun which fires 380-calibre bullets, comprises 15 printable plastic components and a single metal nail as a firing pin, which appears to be too small to trigger metal detector systems.

<sup>36</sup> German police investigate 3D printed guns, The Telegraph (<http://www.telegraph.co.uk/technology/news/10201871/German-police-investigate-3D-printed-guns.html>).

<sup>37</sup> US demands removal of 3D printed gun blueprints, New Europe (<http://www.neurope.eu/article/us-demands-removal-3d-printed-gun-blueprints>).

<sup>38</sup> A 3D printer can cost approximately \$1,000 (£644) and uses heated plastics instead of ink (<http://www.telegraph.co.uk/news/worldnews/northamerica/usa/10039822/First-3D-printed-gun-fired.html>).



through airport security, or even used by their own officers. The Australian's New South Wales police force, the Austrian Interior Ministry<sup>39</sup>, the police authority of Germany<sup>40</sup>, and Europol<sup>41</sup> are such examples having recently purchased a 3D printer to manufacture their own weapons and performing tests.

These tests have revealed that the risks posed by 3D-printed guns are currently low, the design posted online back in May is evaluated primitive and it took some tweaking by its creator before it would work at all. As Australian police discovered, the gun has a tendency to explode into pieces, posing just as much risk to the perpetrator as the victim. Nonetheless, continuous developments and improvements are ongoing<sup>42</sup> and the materials are becoming increasingly reliable. Significant advances in 3D printing capabilities, availability of free digital 3D printer files for firearms components, and difficulties in regulating file sharing may present public safety risks from unqualified gun seekers who obtain or manufacture 3D-printed guns<sup>43</sup>.

However, free access to designs, along with the proliferation of cheap, easy-to-use 3D-printing equipment to be installed at home might mean that gun ownership will be harder to be regulated in the future. In Public Authorities' opinion, 3D guns raise a particular security concern because they are made of plastic, which is more difficult to be detected than metal, meaning they could be brought into areas where weapons would normally be banned such as airports, schools and courts.

Together with plastic 3D guns, also metal 3D printing techniques are an additional concern for public security. For the moment, this technology is mostly used in industrial settings and the cost is very high<sup>44</sup>. Nonetheless, a group of academics at the Michigan Technological Institute has recently created a 3D metal printer for less than 1,500\$ demonstrating how the production of firearms should soon face significant challenges.

In October 2013 the UK police seized a 3D printer in Manchester during a raid and is inquiring to understand whether this technology was aimed at producing a weapon<sup>45</sup>. This episode, together with the growing public concern about 3D-printed guns, is behind the recent decision (December 2013) of the British Government to make unlicensed 3D printing of guns punishable by up to 10 years in prison<sup>46</sup>.

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<sup>39</sup> Authorities Worry 3-D Printers May Undermine Europe's Gun Laws, The New York Times ([http://www.nytimes.com/2013/10/18/business/international/european-authorities-wary-of-3-d-guns-made-on-printers.html?\\_r=0](http://www.nytimes.com/2013/10/18/business/international/european-authorities-wary-of-3-d-guns-made-on-printers.html?_r=0)).

<sup>40</sup> German police to test 3D-printed guns for own use and to assess threat, Wired (<http://www.wired.co.uk/news/archive/2013-07/23/german-police-3d-printed-guns>) and German police investigate 3D printed guns, The Telegraph (<http://www.telegraph.co.uk/technology/news/10201871/German-police-investigate-3D-printed-guns.html>).

<sup>41</sup> Authorities Worry 3-D Printers May Undermine Europe's Gun Laws, The New York Time ([http://www.nytimes.com/2013/10/18/business/international/european-authorities-wary-of-3-d-guns-made-on-printers.html?\\_r=0](http://www.nytimes.com/2013/10/18/business/international/european-authorities-wary-of-3-d-guns-made-on-printers.html?_r=0)).

<sup>42</sup> Upgraded 3D-Printed Rifle Shoots 14 Times Before Breaking, Fast Feed ([http://www.fastcompany.com/3015269/fast-feed/upgraded-3D-printed-rifle-shoots-14-times-before-breaking?utm\\_source](http://www.fastcompany.com/3015269/fast-feed/upgraded-3D-printed-rifle-shoots-14-times-before-breaking?utm_source)).

<sup>43</sup> Homeland Security bulletin warns 3D-printed guns may be 'impossible' to stop, Fox news (<http://www.foxnews.com/us/2013/05/23/govt-memo-warns-3d-printed-guns-may-be-impossible-to-stop/>).

<sup>44</sup> Researchers develop low cost open source 3D printers for metal objects, Tech Week Europe (<http://www.techweekeurope.co.uk/news/low-cost-3d-printer-metal-133889>).

<sup>45</sup> 3D printer 'gun parts' found in Manchester raid, BBC (<http://www.bbc.co.uk/news/uk-england-manchester-24666591>).

<sup>46</sup> Britain updates rules banning 3D-printer guns, Reuters (<http://www.reuters.com/article/2013/12/05/us-britain-guns-idUSBRE9B40OV20131205>).

## 2 PROBLEM DEFINITION

### 2.1 Overview

This section provides an overview of the main problems related to the marking, deactivation and destruction of firearms, replicas and alarm weapons in the EU. The extent of the criminal activity related to these items is scarcely documented (both in statistical data collected by MS and in research documents). Nonetheless, the information collected in this study indicates several issues of concern:

- A **security problem**, mainly arising out of the conversion of alarm weapons, and to a lesser extent, to the criminal use of deactivated firearms (with risks related to the improper deactivation of firearms, including the possible trade of parts and components not or not properly deactivated). The conversion of weapons classified as replicas (and therefore excluded from the framework of the Firearms Directive) does not seem to be an issue of security concern, while the potential intimidating use of both alarm weapons and replicas is to be mentioned (par. 2.2).
- A **legal and administrative problem**, since MS show widely different approaches to the implementation of the EU legislative framework regarding the marking, deactivation and destruction of firearms, the production and sale of alarm and signal weapons, and the production and sale of replicas; several issues emerge in terms of uncertainty of law enforcement activities and limits to the effective cooperation among MS (par. 2.2).
- A **market problem**, related to imbalances in the EU internal market and obstacles to the EU competitiveness in the international market (2.4), as a consequence of differences in legislation.

In the following paragraph, a detailed description of these three aspects of the problem is reported (par. from 2.2 to 2.4), while the overall problem and its drivers are summarized in a problem tree (see par. 2.5).

### 2.2 Security: threats to EU citizens

Even if in a smaller scale, if compared to the illicit use and trafficking of military and civilian firearms, **reactivated firearms, converted alarm weapons and replicas** can constitute a commodity fuelling the illicit business of organized criminal groups<sup>47</sup> and represent a threat to EU citizens' safety and security, with supporting evidence in several MS (see par. 2.2.1). In addition, **new advancements in technology** (e.g., 3D-printing techniques) and new sales channels (e.g., internet) may become a serious concern in the future if not properly addressed by the law enforcement activity and the EU legislative framework (see par. 2.2.2).

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<sup>47</sup> The reactivation of neutralised weapons, theft and conversion of gas pistols are the main sources of illegal weapons trafficked by Organised Crime Groups (Source: Europol, SOCTA 2013).

### **2.2.1 Criminal activity related to converted alarm weapons, replicas and deactivated firearms in the EU**

In general terms, there may be a risk that deactivated weapons, alarm/signal weapons or replicas that closely resemble a live firearm can be used to frighten or intimidate, but **the main security concerns are connected to the risk of conversion to fire a live round.**

In particular, **alarm/signal weapons** also have a number of key components of firearms, such as a chamber, a firing mechanism and a barrel. It is not likely that live ammunition can be fired from alarm or signal weapons without first adapting one or more of these essential components, but the procedure of conversion may be relatively simple to carry out and well understood by actors with criminal intentions. The ease of conversion, however, depends on the type, construction and material used, making some types of alarm weapons easier to convert than others. According to some experts, the chamber of an alarm or signal weapon is generally structurally different from a firearm and cannot easily take live ammunition. Some alarm weapons are not able to withstand the pressure resulting from the firing of a cartridge of the kind used in a firearm, due to their construction and the materials used. Both Italy and Germany claim to produce “non-convertible” alarm weapons<sup>48</sup>.

There are no legitimate reasons for converting alarm or signal weapons to fire a live round. The act of conversion is, in effect, the unlicensed manufacture of a firearm, which is a serious criminal offence. There are a significant number of documented cases of criminal acts using converted alarm and signal weapons<sup>49</sup>. Converted alarm weapons are sometimes described as converted gas weapons. These are references to different characteristics of the same weapon. The object is a gas weapon (a description of the firing mechanism) and an alarm weapon (the intended use).

Whether or not an alarm or signal weapon can be converted to fire a live round is currently determined by national authorities, but there are no common technical guidelines related to convertibility. There are no common administrative procedures to assess or verify that an alarm or signal weapon can only be used for the stated purpose.

The results of the questionnaires and the interviews carried out during the study confirmed that converted alarm and signal weapons represent or have represented an issue in several MS. The issues related to reactivation of deactivated firearms appear to be significantly more limited, as well as the intimidatory use of objects resembling a firearm (replicas) is rarely reported, although security concerns, especially on the risks attached to deactivated firearms, were expressed by most of the MS authorities, or were found through secondary sources<sup>50</sup>.

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<sup>48</sup> Information provided by an Italian expert, June 2014.

<sup>49</sup> Among the most detailed cases of conversion there are: the Lithuanian case (see box 2), the Netherlands case between 2002 and 2006, and the United Kingdom case with the Olympic 380 BBM (see par. “Alarm and signal weapons: features, risks and cases of conversion” for more information). In addition, also France, Ireland, Denmark, Luxembourg, Cyprus, Italy, Portugal, Spain, Sweden have reported cases of conversion of alarm weapons.

<sup>50</sup> In general term, security concerns related to alarm weapons, replicas and/or deactivated firearms were reported through the on-line questionnaire in 18 MS (Cyprus; Denmark; France; Germany; Ireland; Lithuania; Luxembourg; Netherlands; Portugal; Spain; Sweden; United Kingdom; Slovakia; Finland; Italy; Bulgaria; Hungary and Slovenia). An round of in-depth-interviews has allowed the team to identify more precisely the nature of the security concern and understand whether they relate to converted alarm weapons/replicas, reactivated firearms or intimidatory use of replicas; 3 MS did not provide information (Austria, Czech Republic,

### **Alarm and signal weapons: features, risks and cases of conversion**

**Alarm weapons** make a loud noise, but they do not fire a live round. Alarm weapons have a range of legitimate uses, and the type of alarm weapon could be tailored to the particular use. For example, alarm weapons have been used in sporting events as starting pistols; they can be used in the production of films, television programmes or plays where it is necessary to reproduce the firing of a live weapon in a scene; they are used in e.g. airports to move birds away from runways or on farms to move birds away from crops; they are used in various cultural settings where, for example, tradition requires that gunfire accompanies the celebrations at a wedding or a birthday celebration.

Various kinds of alarm weapons exist, the different models being adapted to the specific use. Some use a cartridge that makes the same noise as a live firearm, but the cartridge in that case is “blank”; in other words, it does not contain a projectile and only air is expelled from the barrel when a shot is fired. Alarm weapons can be adapted so that a rubber pellet or rubber bullet is expelled from the barrel when fired. There are alarm weapons that are linked electronically, either by a wire or wirelessly, to a loudspeaker system. When the trigger is pressed, the recording of a shot being fired is played through the sound system.

The risks associated with alarm weapons can be illustrated with the Picture 1, a weapon that has caused a significant security problem in Lithuania and elsewhere in the European Union. The Russian made IZH-78-9 is a special version of a live firearm originally developed for law enforcement personnel. The weapon was designed to be easily concealed; it is compact and flat.

**Picture 1: The IZH-78-9 alarm weapon**



The outward physical appearance of the gas pistol is identical to the live weapon, but it has been adapted for use in, for example, film and television productions. From 2000 to 2008, the Lithuanian Police Forensic Science Centre carried out 45 procedures of expertise on converted IZH-78-9. The later adapted version fires a 7.62 mm gas cartridge, and the manufacturer deliberately weakened the barrel by using inferior steel in order to make it more difficult to adapt the alarm version to fire service cartridges. Following the ban on gas pistols in Lithuania, criminals started to use some models of traumatic weapons—also sometimes called “less-lethal” or “non-lethal” weapons—that fire rubber or lead bullets with 9 mm Knall cartridges. For example, the Lithuanian Police

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Estonia), whereas 6 MS reported no security concern ( Malta, Romania, Latvia, Greece, Belgium, Poland); on these 9 MS no further information on issues were found through secondary sources.

While the conversion of alarm weapons seem a quite widespread phenomenon (see footnote above), cases with deactivated weapons were reported in few MS, i.e. Sweden, Italy, Finland and France.

Forensic Science Centre carried out procedures of expertise on ME38 Compact G, which were seized from criminals on 93 occasions between 2008 and 1 July 2013. Lithuania prohibited the import of the gas revolver model Olympic 38 and the traumatic weapon ME38 Compact G from 15 June 2010.<sup>51</sup> More information about the specific case of Lithuania is provided in Box 2.

According to Directive 91/477/EEC, pistols with rubber bullets are considered firearms when exceeding a certain energy; however, the Lithuanian case suggests that even some “low energy” pistols, currently outside the legal framework, may be convertible.

**Signal weapons** are used to mark a location by firing a flare or tracer round into the air. They may also be used to illuminate a small area for a short time during hours of darkness by firing a bright illuminating round that then falls to the ground. Signal weapons are likely to be standard equipment on, for example, boats and ships. Individuals who are going into an environment from which they may later need to be rescued may carry a signal weapon.

**Conversion of originally blank firing weapons** (e.g., gas and alarm pistols) to fire live ammunition recently emerged as an issue in several MS, involving both weapons originating from outside and inside the EU<sup>52</sup>.

There are various factors behind the criminal activity linked to converted alarm weapons:

- Alarm/signal weapons can **be more easily obtained as compared to firearms**, as in several Member States and third countries (such as Italy<sup>53</sup>, Germany, France, Spain and Turkey) these can be acquired without licence or permit requirements. However, several cases have shown the vulnerability of the EU MS to crimes linked with the conversion of gas and alarm weapons to fire live ammunitions. Alarm weapons produced in Turkey have proved to be a threat to security, having been converted and used in some MS<sup>54</sup>.
- These weapons can be **cheap** as compared to firearms: according to data collected through interviews, basic models can be purchased for 30-50€, with the price highly varying according to the models<sup>55</sup>.
- Some cases suggest that converting alarm weapons may be also a **profitable business for criminals**. Prior to 2011, Russian made Baikal gas pistols could be

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<sup>51</sup> Information provided by Lithuanian expert.

<sup>52</sup> Converted alarm weapons are sometimes described as converted gas weapons. These are references to different characteristics of the same weapon. The object is a gas weapon (a description of the firing mechanism) and an alarm weapon (the intended use).

<sup>53</sup> Blank fires can be acquired without licence, whereas signal weapons are considered “firearms” and are subject to the firearms directive (category C).

<sup>54</sup> Documented cases of conversion of Turkish alarm weapons have been reported in the Netherlands and in the Western Balkans (see further details below in the same paragraph). Nonetheless, a number of MS as well as representatives of the firearms industry have expressed their concerns in relation to the high potential of convertibility of Turkish alarm weapons.

However, alarm weapons produced in Europe have also been involved in cases of conversion. An example is the Tanfoglio GT38, a cheap alarm weapon produced in Italy and now retired from the market, which resulted to be easily convertible. Between 1.500 and 2.000 Tanfoglio GT 28 guns were used to commit crimes in Netherlands (<http://www.presseurop.eu/en/content/article/397061-cheap-guns-boom-europe>).

<sup>55</sup> Several interviewees agreed on this range; however the price highly varies depending on the models. According to the estimate provided by Consorzio Armaioli Italiani, interviewed the 14<sup>th</sup> of February 2014 in Gardone Val Trompia, alarm weapons produced in the European Union on average are sold for 33€, those produced in Italy for 20€, while those imported from Turkey can be purchased for 15€.

freely purchased in Lithuania for €100. These were then converted into firearms, and smuggled into the UK where they were sold for as much as £2.000<sup>56</sup>. The weapon has been called “the British teenage gang members' weapon of choice”<sup>57</sup>.

The factors mentioned above are further worsened by the **difficulties in law enforcement across borders** created by the different firearms legislations across MS. Different rules for the purchase and transfer of gas pistols may indeed interfere with the ability of one national police force to fight the illicit trafficking of converted alarm weapons. To make an example, when Italian front firing alarm weapons (considered as firearms according to the national legislation) are exported to Germany, France, Spain or Austria, they are not considered firearms and they stop to be traced by the national Police. This situation makes it impossible for the law enforcement authorities to trace back the weapon to the original owner when it is found on a criminal scene.

The threats highlighted so far are backed up by **evidence of criminal offences which have occurred in several MS**.

Between 2002 and 2006 the converted alarm weapons' threat emerged in the **Netherlands**, with the seizing by the Dutch police of thousands of converted alarm weapons, representing 10% of the total number of firearms in the country and which were used in about 6% of all shootings that took place in the MS in the same period. These data come from a research project<sup>58</sup> on the trade in and use of converted alarm weapons, resulting in a clear and detailed overview of the different steps in the logistical process from the manufacturer to the end-user of converted alarm weapons. The study demonstrated that converted firearms were originally blank firing weapons, produced and converted in countries in the southern Europe (produced mainly in Italy and Turkey, and then converted in Portugal), subsequently smuggled to the Netherlands through transnational social networks<sup>59</sup>, and sold to the end-users in the Netherlands.

The use of converted alarm weapons, and namely of gas pistols, has been a big problem also in **Lithuania**, which in 2011 approved a new regulation including gas pistols within the scope of the national firearms legislation and thus applying to alarm weapons all the rules for purchase, possession and trade applied to firearms. The Lithuanian market of alarm weapons was particularly relevant (i.e., in 2010 and 2011 respectively 7,000 and 6,000 gas weapons were sold), as well as the phenomenon of converted alarm weapons (i.e., from 2009 to 2013, converted alarm pistols made 56% of the total firearms examined by Lithuanian Police Forensic Science Centre, and specifically 423 converted alarm weapons vs. 334 real firearms). Also crimes (murders, severe health impairment, robbery, extortion) committed by using converted alarm pistols were threatening, accounting for 37% (in 2009) and 29% (in 2013) of all the crimes committed by using firearms.

Following the entry into force of the new regulation, the Lithuanian market for alarm pistols dropped, with only 691 pistols sold in 2012, and there has been a reduced advantage for criminals to buy converted alarm weapons rather than illegal firearms.

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<sup>56</sup> Interview with Lithuanian police forensic science center, 7 Jan. 2014.

<sup>57</sup> Cobain, I. and Connolly, K., 'Lithuanian vet who put hundreds of guns on the streets of London and Manchester', *The Guardian*, 24 Feb. 2007.

<sup>58</sup> de Vries MS “Converted Firearms: A Transnational Problem with Local Harm” - European journal on criminal policy and research, published on-line in 2011.

<sup>59</sup> Based on police investigations and intelligence, Cape Verdean and Turkish criminals play a significant role in the trade in converted firearms, thanks to a wide social network in multiple European countries, which seemed to facilitate their criminal activities concerning converted firearms.



## Box 2: Alarm weapons in Lithuania

The Lithuanian case study is characterised by an **increasingly stricter regulation of alarm weapons**, which started in 2007 with a ban on certain models and continued in 2011 with the regulation which included all alarm weapons within the scope of the national firearms legislation.

From 2000 to 2008, the Lithuanian Police Forensic Science Centre carried out 45 judicial procedures on converted IZH-78-9<sup>60</sup> (a Russian traumatic gun). To face the issue, on the 16th of January 2007, the import of gas pistol IZH-78-9 has been prohibited. Since the measure did not give the expected results, with criminals converting other types of gas (alarm) weapons, starting from the 15th June 2010 the range of prohibited gas revolvers imported has been extended including a wider set of alarm weapons models, such as Olympic 38 and traumatic revolvers ME38 Compact G.

Nonetheless, these additional restrictions on alarm weapons imported in Lithuania proved to be quite ineffective. No registration requirements, together with the common practice of manufacturers to change the technical specifications of the gas weapon without changing its name, made police controls very difficult (e.g., Lithuania had many situations when a model of gas weapons initially authorized, changed technical specifications while maintaining the same name without verifying the respect of requirements).

The security threat posed by converted alarm weapons in Lithuania is proved by the data on related criminal offences at national level between 2009 and 2013. In this period, alarm weapons represented the majority of total firearms subject to police investigation (Chart 1), and were used to commit a high share of crimes (Chart 2).

**Chart 1: Alarm weapons investigated by police in Lithuania from 2009 to 2013**

Years	2009	2010	2011	2012	2013
Gas (alarm) pistols (revolvers)	62	115	78	84	84
Share on total firearms investigated	53%	65%	51%	51%	58%

Source: Lithuania Police Department under the Ministry of Interior

**Chart 2: Crimes committed with converted alarm weapons in Lithuania between 2009 and 2013**

Years	2009	2010	2011	2012	2013
Crimes committed with converted alarm pistols	15	5	7	1	4
Share on crime committed with firearms	37%	11%	37%	2%	29%

Source: Lithuania Police Department under the Ministry of Interior

In 2011, a new legal regulation came into force. This required registering gas pistols (revolvers) and revolvers of small power, with the same provisions applied to the other firearms. Only persons who meet all requirements established by the law can purchase, keep and carry gas weapons. Moreover, criminal sanctions for illegal possession of gas weapons are up to 5 years of imprisonment (i.e. the same sanction foreseen for the illegal possession of real firearms).

Owners of gas weapons had the possibility to register them at the police stations until 1 January

<sup>60</sup> <http://www.dailymail.co.uk/home/moslive/article-1106804/The-usual-suspect-How-Baikal-Britains-favourite-killing-machine.html>

2014. From 1 March 2011 until 2013, the Lithuanian police registered more than 20,000 gas pistols (revolvers) and revolvers of small power.

Once the registration procedure for alarm weapons was established, the market demand decreased tenfold. In 2010, nearly 7,000 gas weapons were sold in Lithuania while in 2012 the number was only 691. It is thus possible to assume that the illicit conversion of alarm weapons has decreased subsequently.

Nonetheless, the different legislations in force in neighbouring MS are reported by the Lithuanian authorities as an issue limiting the effectiveness of the measures undertaken at national level. As an example, Latvia does not require the registration of gas pistols, and these can be acquired and possessed by natural persons from the age of 18 without any permit. Cases of gas weapons purchased in Latvia, introduced illegally in Lithuania and converted are recorded.

In Germany, alarm weapons appear to be used in criminal activities where a “lookalike” of a firearm is useful for e.g. threatening another person. In 2011, 72% of weapons used in such criminal activity were gas (alarm) weapons for which German legislation does not require a licence<sup>61</sup>.

In the **United Kingdom**, during 2004/05, 52% of all recorded gun crime offences involved air weapons (as the principal weapon involved in the offence)<sup>62</sup>, and 15% involved imitations of firearms<sup>63</sup>. Between January 2007 and March 2010, there were 179 recoveries of converted Olympic 380 BBM revolvers in England and Wales<sup>64</sup>, a threat that prompted the government to approve a ban on Bruni Olympic 380 BBM in 2010. Also in the United Kingdom, a man was found guilty of conspiracy to convert firearms. Specifically, he converted a significant number of blank-firing MAC-10 firearms into real weapons with relative ease using tools available in local hardware stores or from the internet. Alarm weapons that he converted were linked to more than 50 shootings, including at least eight murders<sup>65</sup>.

The **Spanish authorities** in 2011 expressed concerns about the increasing incidence of alarm weapons among firearms subject to forensic investigation<sup>66</sup>, the easy conversion of some models of alarm weapons (especially alarm weapons imported from Turkey), and their accessibility in the market. In Spain alarm weapons can be acquired without any

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<sup>61</sup> The remaining 28% of weapons involved in criminal activity were firearms requiring an ownership license, and only 4% of them were held legally. Source: Police criminal statistics, German Federal Criminal Police Office (Bundeskriminalamt, Bundeslagebild Waffenkriminalität 2011). However, as pointed out by the German Authorities, taking into account the overall number of crimes committed using a weapon, weapon-enabled crime is not a major problem in Germany and neither a significant threat is caused by converted alarm weapons.

<sup>62</sup> Only 10% of this crime implied a serious injury to the victim.

<sup>63</sup> Hales, G., Lewis, C. and Silverstone, D. (2006). “Gun Crime: the market in and use of illegal firearms”. London: Home Office Research Study.

<sup>64</sup> <http://www.nabis.police.uk/acpo-olympic.asp>

<sup>65</sup> UK, 2008 - [http://news.bbc.co.uk/2/hi/uk\\_news/england/berkshire/7585437.stm](http://news.bbc.co.uk/2/hi/uk_news/england/berkshire/7585437.stm)

<sup>66</sup> In 2011, 44 alarm weapons were subject to ballistic investigations, out of 222 firearms investigated. 11 of the 44 alarm weapons had been subject to modifications (conversion) – Data provided by the Ministry of Interior (Scientific Policies) to the European Commission.



permit or document (except a document attesting the minimum age, i.e. 18 years of age or older), and no prohibition for persons with criminal records is applied<sup>67</sup>.

In general, a number of similar cases, involving different MS, can be mentioned: in 2005, the **Portuguese** police closed down several workshops, located on boundaries with Spain, where alarm weapons were imported from outside Europe and converted into firearms<sup>68</sup>; in 2012, in **Italy** a large number of illegal signal flare pistols have been detected in the Port of Naples<sup>69</sup>; there is evidence on the existence of several organized criminal groups operating in the **western Balkans** committed to convert and illicitly trade Turkish made pistols, sold in the black markets of Western European MS, including countries such as **Denmark**<sup>70</sup> and **Sweden**<sup>71</sup>.

### **Replicas: features, risks and intimidating use**

Replicas are not defined in the EU directive. Using the elements of the EU Firearms Directive as a reference, however, the definition of a replica weapon can be deduced. A replica firearm is an object that has the physical appearance of a firearm, but as a result of its construction or the material from which it is made, it cannot be converted to expel a shot, bullet or projectile by the action of a combustible propellant. However, not all Member States have adopted this definition of replicas. In France, for example, “replique” refers to a perfect copy of a functional firearm, and is therefore considered a firearm under the French legislation. In Germany and the UK, “replica” is not used either. In July 2010 the European Commission issued a study on the definitions of replicas in different EU MS.<sup>72</sup> Finding a common definition on replicas would require not only compromises but legislative amendments in national legislations.

The point can be illustrated by using the Military Armament Corporation Model 10 machine pistol, commonly referred to as the MAC-10. The MAC-10 has been used in literally hundreds of films and television programmes, and in the United Kingdom MAC-10 alarm weapons have been converted to fire a live round and used in crimes, a case referred to in more detail below.

Picture 2, below, is a converted MAC-10 that was used to commit a murder. It is not a replica firearm using the definitions taken from the EU Firearms Directive, because it has the appearance of a firearm and was convertible.

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<sup>67</sup> A specific investigation of the Ministry of Interior (Scientific Policies) in a Spanish city found that 16% of persons acquiring alarm weapons in that city had past criminal records, especially crimes against property, such as robbery (note from the Spanish Ministry of Interior to the European Commission).

<sup>68</sup> Moreover in 2006, alarm and gas pistols has been banned in Portugal.

<sup>69</sup> Note of the Director of the International Police Cooperation Service of the Italian Ministry of Interior for the EFE workgroup.

<sup>70</sup> Arms trafficking in the Western Balkans (2012) by Pole de Zagreb. According to the study, an organization made up of seven people involved in arms manufacturing and trafficking was dismantled in Macedonia in March 2011. This group obtained supplies of Turkish-made pistols intended for sound or visual signalling that were to be sent to countries in the region and in Western Europe, including to Denmark where they were resold for between 300 and 500 euros each. In addition to this particular case, the vast majority of pistols seized in Macedonia are thought to be Turkish-made and locally converted.

<sup>71</sup> <http://www.presseurop.eu/en/content/article/397061-cheap-guns-boom-europe>.

<sup>72</sup> Commission report on replicas, 2010, pp. 2-3.

**Picture 2: Converted MAC-10 machine pistol**



Picture 3, Picture 4 and Picture 5 are replica firearms in the meaning of the Firearms Directive because, although they have the appearance of a firearm, they are not convertible. Picture 3 is a personal music player in the shape of a MAC-10, owned by a British DJ; Picture 4 is a plastic model of a MAC-10 printed on a 3D printer, and Picture 5 is a cardboard model of a MAC-10 posted on the internet.

**Picture 3: Music player**



**Picture 4: MAC-10 plastic 3D printed model**



**Picture 5: Cardboard model of MAC-10**



Also in this case, there are no common technical guidelines related to convertibility and, across MS, the term “replica” can include a wide range of different items. Moreover, cases related to the use of replicas for intimidation purposes are reported in Sweden, Netherlands and Belgium, where for example, replicas have been used more or less frequently in armed robberies<sup>73</sup>. An extreme example of the **intimidating effect and possible related consequences of the use of replicas in crimes** can imply the so called phenomenon of “suicide by cop”, in which a person willing to commit suicide deliberately acts in a threatening way to produce a lethal response from a law enforcement officer or a legitimately armed individual, such as being shot to death. As documented in a study on the USA<sup>74</sup>, while in 45% of the cases the suicide threat is

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<sup>73</sup> In general terms, the intimidatory effects can be obtained with different objects, but cases related to the use of replicas are those confirmed by evidence. The cases mentioned in this paragraph were discussed during interviews with national authorities.

<sup>74</sup> “Suicide by cop” by Range Hutson, Deirdre Anglin, John Yarbrough, Kimberly Hardaway, Marie Russell, Jared Strote, Michael Canter, Bennett Blum 1988, Annals Of Emergency Medicine.

expressed by means of a firearm, in 17% of the cases the threat is realized with a replica.

### **Deactivated Firearms: reactivation, security of deactivation operations and intimidating use**

The issue of firearms deactivation was an emerging threat in the years following the end of the Balkans civil war, when considerable amounts of firearms were deactivated and part of them poured out of the monitoring system. Also, cases of re-activation have been encountered by police forces throughout the EU. One of the most recent cases is of an **Irish** engineer who has been accused of firearms reactivation<sup>75</sup>. Cases of reactivated weapons entering the market include weapons from military and police inventories that are outside the scope of the Directive.

Trafficking of deactivated firearms aimed at illegal reactivation has also been detected in **Finland**, where until two years ago the reactivation of deactivated firearms represented an issue of concern. Changes introduced in 2011 on Finnish rules and requirements for firearms deactivation put the phenomenon under control<sup>76</sup>.

Notwithstanding the scarce evidence on criminal offences, the **shortcomings in the effective implementation of the EU legislation** and the **differences among national regulations** (discussed in par. 2.3) imply a range of security concerns related to **deactivated firearms**.

Although all MS report that deactivation is an irreversible operation making it impossible for common citizens to reactivate a firearm, different standards and procedures are applied across MS, ranging from the destruction to the deactivation of the essential components (with further differentiations related to the national definition of essential components). As a first consequence, this may generate the circulation of deactivated firearms with different levels of security (depending on the security of the deactivation procedures applied), and **trade in parts and components** that have not been permanently deactivated and can be used to build or reactivate a firearm<sup>77</sup>.

Another area of differentiation, which has proved to have potential security consequences, relates to the definition of the **authorities entitled to carry out and/or certify the firearms' deactivation/destruction**. The deactivation of firearms may be carried out by authorized individuals holding a license or permit issued by the police (including professional dealers, repairers, manufactures). Also in this case, the lack of a central control has left space for criminal activity, with cases of deactivations not properly carried out and the introduction of illegal firearms in the market<sup>78</sup>. This has happened in Sweden: in the past, there were cases when Swedish "destroyed" firearms were found in the market and used in crimes elsewhere in Europe. As a way to mitigate the risk of theft or diversion, Sweden centralised all weapons' destruction to be carried out by the police.

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<sup>75</sup> Source: <http://www.bbc.co.uk/news/uk-northern-ireland-21858909>. Although no evidence is reported on the origin of the deactivated firearms.

<sup>76</sup> Interview with a representative of the national competent authority.

<sup>77</sup> At this regard, as an example, France reported a number of cases of reactivation of deactivated firearms thanks to the use of essential components bought from other Member States where the deactivation affected different parts or where the deactivation procedures were not permanent (Source: questionnaire and Note des Autorités françaises sur les problèmes juridiques liés aux définitions et approximations continues dans la Directive Européenne 91/477/CE – 18 June 2014).

<sup>78</sup> The interviews in Italy reported the emergence of this issue in the MS in the 90s.

Since this monopoly has been introduced, the police have not encountered any diverted destroyed weapons<sup>79</sup>.

Finally, in most MS, deactivated firearms are taken out of the national firearms registry, with the consequential possibility for owning or possessing, selling and purchasing deactivated firearms without any licence or permit. Still having the physical appearance of a functional firearm, deactivated firearms can freely circulate with potential risks due to their **intimidating use**.

### **2.2.2 Emerging threats and new sales channels**

Finally, some emerging threats are creating new challenges for police officials around Europe, such as internet as a sales channel for firearms, alarm weapons, replicas and their components, and 3D-printing techniques applied to the production of firearms and their components<sup>80</sup>.

#### **Internet as a firearms' sale channel**

EU MS may authorize the sale of firearms through distance communications, including the Internet. "Distance contracts" are defined by article 2 of Directive 97/7/EC on the Protection of Consumers in Respect of Distance Contracts. Directive 97/7/EC establishes rules regarding the sale of goods or services between a buyer and a seller based on a distance contract for the protection of consumers. In case the object is a firearm, MS are obliged to subject acquisition of firearms to the rules of Directive 91/477/EEC and to control the acquisition of firearms by individuals, with the exception of dealers (see art. 1.5 of the Directive 2008/51/EC).

Nonetheless, these requirements are not always respected and the online sale of illegal weapons/essential parts of weapons has been an issue worldwide for some time now, with an increasing number of cases of firearms' internet sales reported by newspapers and an emerging challenge for law enforcement authorities' controls. No comprehensive statistics are available on this issue as the controls performed are normally not systematic and there is no system for the detection of internet offences.

The threat related to weapons (or weapons' parts) being purchased via the Internet and delivered by post for assembly at a later stage was already mentioned in the Europol 2005 EU Organised Crime Report<sup>81</sup> and has been raised by several interviewees during this study.

As an example, in 2007 the **Spanish** police arrested three individuals who illegally imported into the country parts to assemble firearms and war weapons. These individuals have been described as arms collectors who acquired weapons illegally through the Internet to trade among guns enthusiasts. Spanish police came across them in an Internet forum where they convened to purchase weapons' parts, shipped from the United States and other European countries in packages which in most cases did not include the required content declarations<sup>82</sup>.

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<sup>79</sup> Interview with national authorities.

<sup>80</sup> The supporting evidence mainly comes from the analysis of open sources (and namely the press articles available on the internet) as no literature is available yet.

<sup>81</sup> Europol 2005 EU Organised Crime Report – Public version, 13788/05 CRIMORG 117.

<sup>82</sup> Police throughout Europe Fight the Illegal Sale of Weapons Online, Internet Business Law Services ([http://www.ibls.com/internet\\_law\\_news\\_portal\\_view.aspx?s=latestnews&id=1689](http://www.ibls.com/internet_law_news_portal_view.aspx?s=latestnews&id=1689)). Concerning the persons

In 2006, in the **United Kingdom**, police and military officials detained individuals trading online weapons banned in that country. Moreover, the **German police** investigated whether a youth accused of a school shooting had purchased the crime weapon illegally in a local Internet portal. Other countries and regions have faced similar situations<sup>83</sup>.

As stated in the last Communication of the European Commission presenting the priorities for the future actions of the EC and other key stakeholders towards the fight against illegal trafficking, Europol will develop a manual for combating internet-based firearms trafficking and the Commission will support the creation of cyber patrol teams in Member States. It will also consider the feasibility and proportionality, from a security perspective, of an outright ban on sale and purchase over the internet of all or certain firearms, components and ammunition in the EU<sup>84</sup>.

### **3D printed firearms and new technologies**

As better described in Box 1 (par. 2.2.1), the advancements in 3D printing techniques have recently begun to be a concern for EU police officers.

3D printers can be used to produce parts and components of firearms, or complete weapons made of polymers, but also of metals parts. The development of these technologies and the improvement of 3D printing techniques are expected to pose new challenges that cannot be ignored by the legislative framework, by affecting the control on the acquisition of weapons, traceability, and law enforcement activities. This technology can represent a new channel for the procurement and manufacturing of weapons and it challenges the traditional methods for tracing and marking (with the need for adapting marking techniques to new materials).

However, the use of the new technologies can also represent a new opportunity to enhance the controls and tracing of firearms. These topics have been points of discussion at the Fifth Biennial Meeting of States on Illicit Trade in Small Arms<sup>85</sup>. During this conference it has been discussed how recent technological advances may strengthen stockpile management. At this regard, barcodes, radio frequency identification and biometrics, for example, finger print recognition, may allow law enforcement to automatically identify objects, collect data on them and enable data to be entered automatically into record-keeping systems.

Finally, also the possibility for the legal production of these weapons (by licensed subjects) should be taken into account in the near future, with the related implications on the need for introducing specific standards for their construction and materials, the techniques and standards for marking and deactivation.

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involved, two of them have been sent to prison, while none has been linked to organized crime or terrorist organizations.

<sup>83</sup> Police throughout Europe Fight the Illegal Sale of Weapons Online, Internet Business Law Services ([http://www.ibls.com/internet\\_law\\_news\\_portal\\_view.aspx?s=latestnews&id=1689](http://www.ibls.com/internet_law_news_portal_view.aspx?s=latestnews&id=1689))

<sup>84</sup> COM (2013) 716 final, Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking.

<sup>85</sup> The meeting took place on June 16<sup>th</sup>-20<sup>th</sup> 2014. At the time of elaboration of the present report, official results were not available. However, the use of new technologies for tracing and controls is the object of a report of the Secretary General, published as preparatory document of the conference: "Recent developments in small arms and light weapons manufacturing, technology and design and implications for the implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons" – May 2014

## 2.3 Differences and shortcomings in the legislative framework<sup>86</sup>

### 2.3.1 Definitions concerning firearms, deactivated firearms, alarm weapons and replicas

The risks of illicit activities and illicit circulation of deactivated firearms and converted alarm weapons and replicas are strictly related to weaknesses in the current firearms legislative framework, both at the national and EU level, which can be exploited by criminals.

As mentioned in par. 1.1, the Firearms Directive does not include a definition, standard or guideline on **what items are convertible**. It is clearly stated that some items are convertible through their construct and appearance, but what that specific construction, material or appearance is, is not defined. Notably, it is enough that an item is “convertible” – not easily so – to be classified as a firearm in the Firearms Directive. With the lack of criteria for the convertibility of objects into firearms, MS may look for directions elsewhere in the text. They find it in the definition of Category B weapons “Firearms subject to authorization”: *“Semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where **it is not certain that the weapon cannot be converted, with ordinary tools**, into a weapon whose magazine and chamber can together hold more than three rounds”*.

The **lack of clarification around what constitutes “convertible”** with regards to objects other than firearms, together with the above guideline, makes it possible that MS interpret that the convertibility depends on the possibility to do so “with ordinary tools”.

According to Annex 1 of the Firearms Directive, excluded from the definition are firearms which:

- are designed for alarm, signalling, life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only;
- are regarded as antique weapons or reproductions of such where these have not been included in the previous categories and are subject to national laws;
- 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.

The EU definition of firearms includes convertible alarm weapons and convertible replicas, and deactivated weapons which could be reactivated. But how does one ensure that certain items can be used for the stated purpose only? How can states ensure that no deactivated essential component can be re-used in a firearm? There may be numerous strategies to achieve this. The Directive does not provide guidelines other than referring to appearance and construction similar to a firearm.

Based on this common legal framework, the analysis of the MS allowed for the identification of two key issues:

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<sup>86</sup> The information reported in this paragraph is based on the input provided by the competent authorities in each MS, through interviews, questionnaires and written contributions, as well as documents collected during the case studies.



- Lack of definitions and technical guidelines creating scope for national interpretation which has resulted in **differences in national definitions and approaches**;
- Cases of **lack of full or proper implementation of the Directive at the national level**, creating “weak points” in the system which criminals may take advantage of, and resulting in security risks at the national and regional levels.

### **Different ways MS implement and interpret the definitions**

Across MS, the definition of firearms includes the following additions:

- Gas or air propelled guns (in UK, Lithuania, Slovakia, Cyprus, Ireland, Denmark, Slovenia, Netherlands, Portugal, Italy, Malta);
- All parts of a firearm (UK);
- All deactivated firearms (SE).

The definition of firearms has been limited in the following ways:

- Twelve MS’ national definition of firearms does not cover **essential components**: Finland, , Denmark, Slovenia, Luxembourg, Netherlands, Italy, Malta, Bulgaria, Greece, Estonia, Poland and Romania. Ireland, Lithuania, Slovakia, UK, Czech Republic, France and Sweden’s legislation cover essential components.<sup>87</sup>.
- Finland has added the criteria “without **special skills or tools**” in its national legislation of firearms: “A device made of metal, with a shape of firearms, which can be converted without special skills or tools capable for firing bullets, pellets and gas”.
- Several MS do not implement the Directive in regards to introducing assessment of the need for license requirements, marking and registration of objects which may be convertible into firearms. For example, based on function, replicas are excluded from several national definitions of firearms (e.g. Sweden, and “imitation” weapons in France). This may create loopholes for **those replicas that “in construction or material can enable them to be converted”**.

#### **2.3.2 Legislation, registration requirements, licenses and permits concerning deactivated firearms, alarm weapons and replicas**

As discussed above, the definition of firearms in the Firearms Directive includes convertible alarm weapons and replicas, and deactivated weapons that could be reactivated. Deactivation must ensure the permanent deactivation of all essential components of the weapon. What constitutes an essential component differs based on weapon type; hence, the technical procedures to deactivate a firearm are different for different weapons. Finally, it is worth noting that, in the Directive, essential components are classified as firearms<sup>88</sup>.

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<sup>87</sup> This statement is based on the answers provided by representatives of MS competent authorities to the question “What is the definition of firearms in your country?” included in the questionnaire. MS which have not listed/mentioned essential components in their answer are included here. In case the answer was not completely understandable, we left the MS out.

<sup>88</sup> The breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted, Council Directive 91/477/EEC on control of the acquisition and possession of weapons, Annex 1.

MS also differ widely when it comes to the rules on registration of deactivated firearms, alarm weapons and replicas. At the same time, licences requirements related to alarm weapons, replicas and deactivated firearms vary across EU MS.

### Alarm weapons and replicas

Many MS already have comprehensive legislation governing registration, possession, production, distribution, import and export of alarm weapons. A handful of MS report no license requirements for any activity related to alarm weapons. Few states (Italy, Slovakia, Belgium) have chosen to target restrictive measures towards suppliers rather than consumers; requiring licenses from production and distributions but not individual ownership. In all countries but two (Latvia and Malta), requirements for production and distribution of alarm weapons follow the same pattern, i.e. states that demand licenses for production of alarm weapons also do so for distribution of alarm weapons. (Table 3).

Although ten states report registration of alarm weapons (UK, Lithuania, Slovenia, Ireland, Denmark, Netherlands, Portugal, Sweden<sup>89</sup>, Malta, Romania), few states provide information on the number of registered alarm weapons in their country<sup>90</sup>.

Lithuania, Denmark, Belgium, France, Slovakia, Netherlands, Portugal, and Malta register replica weapons. Six respondents (UK, Slovenia, Luxembourg, Ireland, Romania, and Sweden) stated that replica weapons are not registered.

**Table 3: Legislation governing aspects of alarm weapons**

International instruments, EU- and national legislation	Registration	License requirements (private ownership)	License requirement (production and distribution)	License requirement (import and export)
<b>Multilateral Instruments</b>				
<b>EU 2008 Firearms Directive</b>	If convertible	If convertible	If convertible	If convertible
<b>Regulation (EU) No 258/2012</b>	NA	NA	NA	If convertible
<b>UN 2001 Firearms Protocol</b>	No	No	No	No
<b>EU MS legislation</b>				
<b>Austria<sup>91</sup></b>	No	No	No	No
<b>Belgium</b>	No	NA	Yes	Yes
<b>Bulgaria</b>	Yes, of address <sup>92</sup>	No	Yes	Yes
<b>Croatia</b>	No answer	No answer	No answer	No answer
<b>Cyprus</b>	Yes	Yes	Yes	Yes

<sup>89</sup> In Sweden individuals need a license to acquire alarm weapons, sport clubs do not.

<sup>90</sup> According to the data provided through the questionnaires, in Romania, 3.000 alarm weapons are registered annually (population 21 million), whereas Lithuania registers about 7.000 alarm weapons annually (population 3 million).

<sup>91</sup> In Austria, an alarm weapon is a weapon (and not an object that has another purpose) which is designed to firing only blank cartridges. Therefore i.e. a starting pistol (even it is called pistol) is not a weapon in our legislation and therefore also not an alarm weapon.

<sup>92</sup> Competent Bulgarian authorities shall issue a document certifying registered address of the legal entity or the permanent address of the natural person.



International instruments, EU- and national legislation	Registration	License requirements (private ownership)	License requirement (production and distribution)	License requirement (import and export)
<b>Czech Republic</b>	Yes	No answer	No answer	No answer
<b>Denmark</b>	Yes	Yes	Yes	Yes
<b>Estonia</b>	No	No	No	No
<b>Finland</b>	No	No	No	No
<b>France</b>	NA	No	Yes	No
<b>Germany</b>	No	No	Yes	No
<b>Greece<sup>93</sup></b>	Yes, for gas or air propelled guns or if convertible	Yes, for gas or air propelled guns or if convertible	NA	NA
<b>Hungary</b>	No	No	Yes	No
<b>Ireland</b>	Yes	Yes	Yes	Yes
<b>Italy</b>	No for blank-firing weapons/Yes for signal weapons <sup>94</sup>	No, for blank-firing weapons/Yes for signal weapons <sup>95</sup>	Yes	Yes
<b>Latvia</b>	No	No	Yes/No <sup>96</sup>	No
<b>Lithuania</b>	Yes	Yes	Yes	Yes
<b>Luxembourg</b>	Yes	Yes	No answer	No answer
<b>Malta</b>	Yes	No	NA/Yes <sup>97</sup>	Yes
<b>Netherlands</b>	Yes	Yes	Yes	Yes
<b>Poland</b>	Yes	Yes	Yes	Yes
<b>Portugal</b>	Yes	Yes	Yes	Yes
<b>Romania</b>	Yes	Yes	Yes	Yes
<b>Slovenia</b>	No	No	No	No
<b>Slovakia</b>	No	No	Yes	No
<b>Spain</b>	Yes	No	No	No
<b>Sweden</b>	Yes	Yes	Yes	Yes
<b>United Kingdom</b>	Yes	Yes	Yes	Yes/No <sup>98</sup>

NA= Not Applicable.

For **replicas**, the group of countries with licenses requirements is almost identical. Replicas require a licence to purchase in eight states (Lithuania, Slovakia, Denmark, Belgium, Portugal, Netherlands, Italy and Malta). Half of the respondents have no such requirement. In Finland and Slovenia, the manufacturing of alarm weapons is also managed freely without a licence or permit. The manufacturing of replica weapons is licence free in Finland, UK, Cyprus, Slovenia and Romania.

<sup>93</sup> In Greece, alarm weapons are pistols or revolvers used for the beginning of a race which operate with bang cartridges and they are only used for this purpose. However, gas or air propelled guns are defined as firearms. In Greece, "firearm" is any portable barrelled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant.

<sup>94</sup> In Italy a distinction should be made among: blank-firing weapons (free of licence requirements) and signal weapons (classified as firearms). The blank-firing weapons are not tested by the National Proof House, but not marked, whereas the signal weapons are marked by the producers, tested and registered.

<sup>95</sup> See note above.

<sup>96</sup> In Latvia, production requires a license whereas distribution does not.

<sup>97</sup> In Malta, production requirements were not available. Distribution requires a license.

<sup>98</sup> In United Kingdom, imports require a license whereas exports do not.

## Deactivated weapons

According to Article 9 of the UN Firearms Protocol, certain provisions apply to states that do not consider a deactivated firearm as a firearm.

A State Party that does not recognize a deactivated firearm as a firearm in accordance with its domestic law shall take the necessary measures, including the establishment of specific offences if appropriate, to prevent the illicit reactivation of deactivated firearms, consistent with the following general principles of deactivation:

- (a) All essential parts of a deactivated firearm are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;
- (b) Arrangements are to be made for deactivation measures to be verified, where appropriate, by a competent authority to ensure that the modifications made to a firearm render it permanently inoperable;
- (c) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm.<sup>99</sup>

The provisions in the amended Firearms directive are very similar to those of the UN Firearms Protocol. The national strategies to implement the Directive and the Protocol with regards to deactivated weapons are mixed. Some MS treat deactivated firearms as firearms (as suggested by the UN Firearms Protocol), and have comprehensive legislation in place with regards to registration and licensing requirements related to deactivated weapons. In most EU MS deactivation of firearms requires a license, but not in all. In the majority of EU MS, possession of deactivated weapons does not require a license. Several states in the EU do not include any aspect of deactivated firearms in their national licensing or registration systems. It is common practice that deactivated weapons are taken out of the national firearms registry. Eight MS report ongoing registration of deactivated weapons (UK, Sweden, Portugal, Slovenia, Malta, Netherlands, Romania, and Italy).

Many states that the researchers of this report interviewed, in which deactivation was centralized, said that deactivation requests from private customers were rare. Although evidence of reactivation of deactivated firearms is missing, the EU is in the current legal framework unprepared to address the potential risks of reactivation.

**Table 4: Legislation governing aspects of deactivated weapons**

MS	Registration	License requirements (ownership)	License requirements (deactivation)	License requirements (sales and distribution)
<b>Multilateral instruments</b>				
<b>EU 2008 Firearms Directive</b>	If convertible	If convertible	If convertible	If convertible
<b>UN 2001 Firearms Protocol</b>	Yes, unless all essential parts are permanently	Yes, unless all essential parts are permanently	NA	NA

<sup>99</sup> UN Firearms Protocol, art. 9.

MS	Registration	License requirements (ownership)	License requirements (deactivation)	License requirements (sales and distribution)
	deactivated	deactivated		
<b>EU MS legislation</b>				
<b>Austria</b>	No	No	Yes	No <sup>100</sup>
<b>Belgium</b>	No	NA	Yes	Yes
<b>Bulgaria</b>	No	No	Yes	No
<b>Croatia</b>	No answer	No answer	No answer	No answer
<b>Cyprus</b>	No answer	Yes	No answer	Yes
<b>Czech Republic</b>	No	No answer	No answer	No answer
<b>Denmark<sup>101</sup></b>	No answer	No	NA	No
<b>Estonia</b>	No	No	Yes	No
<b>Finland</b>	No	No	Yes	No
<b>France</b>	No	No	Yes	No
<b>Germany</b>	No	No	Yes <sup>102</sup>	No
<b>Greece</b>	Yes	Yes	Yes	Yes
<b>Hungary</b>	No	No	Yes	Yes
<b>Ireland</b>	No answer	Yes	No	Yes
<b>Italy</b>	Yes	No	Yes	No
<b>Latvia</b>	No	No	Yes	No
<b>Lithuania</b>	No	No	Yes	Yes
<b>Luxembourg</b>	Yes	Yes	Yes	No answer
<b>Malta</b>	Yes	Yes	NA	Yes
<b>Netherlands</b>	Yes	No	Yes	NA
<b>Poland</b>	Yes	Yes	Yes	Yes
<b>Portugal</b>	Yes	Yes	Yes	Yes
<b>Romania</b>	Yes	Yes	Yes	Yes
<b>Slovenia</b>	Yes	No	Yes	No
<b>Slovakia</b>	No	No	Yes	Yes
<b>Spain</b>	Yes	No	Yes	No
<b>Sweden</b>	Yes	Yes	Yes	
<b>United Kingdom</b>	No	No	Yes <sup>103</sup>	No

<sup>100</sup> The answer to this question is deducted from an accompanying document sent with the questionnaire, stating that: "A properly deactivated weapon cannot be converted and therefore it is no longer covered by the weapon act".

<sup>101</sup> According to Danish National Authorities deactivation is realized only in rare occasion, to disable the functioning of firearms they are generally destructed cutting the muzzle or melting them.

<sup>102</sup> Although the German Weapons Act does not prescribe a special license concerning deactivation or destruction of firearms, all cases of deactivation constitute a working on guns or at least a handling of a weapon, which require a licence. Furthermore any deactivation has to undergo type testing including certification by a Proof House.

<sup>103</sup> The deactivation could be realized without any licence, but the firearms to be legally recognised as deactivated had to be proof marked by a Proof House.

### **2.3.3 Marking and record keeping**

The Firearms Directive asks EU MS to put in place marking procedures that enable identifying and tracing each assembled firearm. Components and deactivated firearms must not be identifiable or traceable:

'Article 4

1. Member States shall ensure either that any firearm or part placed on the market has been marked and registered in compliance with this Firearms Directive, or **that it has been deactivated**.

2. **For the purpose of identifying and tracing each assembled firearm, Member States** shall, at the time of manufacture of each firearm, either:

(a) require a unique marking, including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture (if not part of the serial number). This shall be without prejudice to the affixing of the manufacturer's trademark. For these purposes, the Member States may choose to apply the provisions of the Convention of 1 July 1969 on Reciprocal Recognition of Proof-marks on Small Arms; or

(b) maintain any alternative unique user-friendly marking with a number or alphanumeric code, permitting ready identification by all States of the country of manufacture.

The marking shall be affixed to an essential component of the firearm, the destruction of which would render the firearm unusable.

Member States shall ensure that each elementary package of complete ammunition is marked to provide the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition. For these purposes, Member States may choose to apply the provisions of the Convention of 1 July 1969 on Reciprocal Recognition of Proof-marks on Small Arms.

Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by States of the transferring country.<sup>104</sup>

However, according to article 8 of the UN Firearms protocol, for the purpose of identifying and tracing each firearm, States Parties shall also:

'Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of firearms for verifiable lawful purposes'. States parties shall also 'encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings.'<sup>105</sup>

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<sup>104</sup> EU amended Firearms Directive, 2008, art. 4.

<sup>105</sup> UN Firearms Protocol, art. 8.

The provisions are covered by the 2012 EU Regulation to implement article 10 of the firearms protocol, which identifies illicit trafficking in part as:

‘the imported firearms are not marked at the time of import at least with a simple marking permitting identification of the first country of import within the European Union, or, where the firearms do not bear such a marking, a unique marking identifying the imported firearms’<sup>106</sup>.

The national regulations on firearms marking vary among Member states. Concerning the rules for marking, the Firearms Directive establishes that “*The marking shall be affixed to an essential component of the firearm*”, but it is not clear on whether the mark should be applied to all the essential components of firearms. Some Member states choose to mark only one essential component at the manufacturing of a firearm, with Italy being an example<sup>107</sup>, whereas a few states’ legislation requires the marking of all essential components. This is perhaps the result of the diverging progress between EU MS to ratify and implement the UN Firearms Protocol, which requests the marking of all essential components of firearms<sup>108</sup>.

Although eight States report that replica weapons require a permit or a license, only four Member States (France, Lithuania, Slovakia, and Denmark) say replica weapons must be marked following manufacturing in their country. Seven Member states require marking of alarm weapons (France, Lithuania, Slovakia, Ireland, Denmark, Belgium and the Netherlands).

#### **2.3.4 Overall evidence: main differences and shortcomings**

EU MS differ on aspects concerning definitions, registration and licensing requirements.

**Some MS do not implement the minimum definition of firearms as defined in the 2008 Directive.** This directly applies to the incorporation of “essential components” in the definition of firearms. France, Ireland, Lithuania, Slovakia, UK and Sweden stated that their national definition of firearms include essential components.

The **definition of “replicas” varies greatly.** Many MS do not have a definition of replica weapons in their national legislation. Finland’s answer to the definition of replica firearms illustrates a general problem in MS:

*“In Finland there is no definition to word of replica or imitation. If they are capable to fire round, bullet or a gas, they are firearms. If they are capable to be converted to firearms without special tools or skills, they are firearms. If no to both points, they are not firearms and under no licence or limitation”.*

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<sup>106</sup> Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations’ Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition EU regulation, Official Journal of the European Union, L94, 30 Mar. 2012, art. 2.

<sup>107</sup> The example is referred to the marking of the producers, whereas the marks of the proof house is affixed on all the essential components.

<sup>108</sup> The legislative guidance document produced by the UN Office on Drugs and Crime discusses this issue. In this document, it is noted that if an “essential part” is classified as a firearms, and if all firearms must be marked, then it follows logically that all essential parts must be marked.

Also Germany noted that: *"The definitions of certain categories of weapons used in European and national law and for the purpose of this survey vary. A category like "replica firearm", for example, does not exist in German law [ ...] Given the different understandings of certain terms that will be taken as a basis for this questionnaire it seems unlikely that the present survey will result in comparable answers."*

The United Kingdom does not use the term "replica" in the legal discussion of firearms. The UK has instead a category of imitation firearms, which covers anything that has the appearance of being a firearm, whether or not it is capable of discharging any shot, bullet or other missile. This is not necessarily linked to physical appearance - for example, a stick or pipe that is placed in a bag and used in a robbery would be considered an imitation firearm. The UK has a separate category of "realistic imitation firearms" which includes imitation firearms with an appearance that is so realistic as to make them indistinguishable, for all practical purposes, from a real firearm. Realistic imitation firearms will typically be constructed of soft metal, the hot gases produced by firing a blank cartridge in the chamber would typically be vented through a hole close to the chamber, and the barrel would usually be fully blocked.

There are also large **differences in the assessments of what constitutes "convertible"** and should be included in the definitions of firearms. As a result, the same object can be licensed and registered in one EU MS but freely obtainable in another. The UK has defined a category of "readily convertible imitation firearms". A realistic imitation firearm is treated as a live firearm if it can be readily converted into a weapon from which a shot, bullet or other missile can be discharged. In this case, "readily converted" means that it can be so converted without any special skill on the part of the person converting it, and the work involved in converting it does not require equipment or tools other than such as are in common use by persons carrying out works of construction and maintenance in their own homes. Lithuania has instead created a list of criteria to determine if an object is convertible, including if the main construct elements are hard construction (e.g. a steel barrel), or essential components are easily removable, where objects that can be readily convertible are banned.

The national differences in marking and licensing may have an impact on certain interests groups, such as collectors. Countries apply for example different standards on marking of imported weapons.

The European Commission is expected to provide technical specifications on how to permanently deactivate weapons and on what are "convertible" weapons in the next months<sup>109</sup>. However, the lack of guidelines by the EC and the absence of common technical standards have left the MS the definition of technical procedures at national level (by using their national resources, e.g. in the form of Proof Houses), with obvious consequences in terms of differentiation among MS. At the same time, MS may have been awaiting these guidelines before amending their national legislation.

MS may have different experiences as of what items are convertible. If a forensic police department for example repeatedly finds objects such as gas pistols converted into firearms, that MS is likely to regard those items as convertible and to be covered by the Firearms Directive. If another state has had no such cases, that state might not regard the same object as a firearm. If one country's experience of replica weapons is limited to harmless items such as toy guns, and another state has experienced a death shooting with a convertible replica, these two states are likely to have very different views of the

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<sup>109</sup> As mentioned, the drafting of the guidelines is ongoing.

level of danger of this category of weapons. MS may choose to provide their own definition of “replicas”, or remove the category all together. If the common legislation is vague, states will interpret it differently based on their own national experiences. Frustration may arise if one’s national experiences are not taken into account by other states, especially if a transnational nature of the threat may mean that actions taken in neighbouring states can undermine national efforts to mitigate risks associated with certain firearms.

The second issue which has been identified is represented by **shortcomings in the effective implementation of the Firearms Directive**. In the Directive, deactivation must ensure the permanent deactivation of all essential components of the weapon. What constitutes an essential component differs based on weapon type; hence, the technical procedures to deactivate a firearm are different for different weapons. Due to the lack of guidelines on deactivation, MS have developed their own procedure for deactivation. If all procedures arrived at the assurance that all essential components have indeed been rendered permanently deactivated, all MS would be implementing this provision fully. However, several MS have noted that ensuring permanent deactivation is “impossible”, and have therefore added criteria similar to “cannot be converted, with ordinary tools”.

There are other examples of shortcomings in the effective implementation of the Directive. Many MS do not for example treat certain alarm weapons as firearms even though law enforcement in EU MS has proved that those weapons are convertible. Estonia for example has no legislation on alarm weapons.

The definition of firearms in the Directive excludes replicas of antique firearms, but defines those replicas that in construction or material can enable them to be converted as firearms. However, with no definition in the Directive of what a replica weapon is, together with the note on antique weapons, some MS have defined replicas as replicas of antique weapons in their national legislation, hence excepted from the Directive and national regulation. Finally, some MS make no assessment of what items which are close imitation of modern weapons can be converted into firing live ammunition, which would be necessary to fully implement the Directive.

### **2.3.5 Obstacles to law enforcement and record keeping**

The fragmented legal framework described above has several consequences on the effective law enforcement in each MS and across the EU.

The problems related to law enforcement fall into three categories:

- First, **Member States may implement the Firearms Directive using different legal approaches**, for instance on licence requirements and registration of alarm or signal weapons, which can represent a significant complicating factor for law enforcement in another MS. For example, Lithuania has strict controls on gas pistols. As mentioned, Latvia does not require registering gas pistols and it is possible to buy gas weapons in Latvia without a permit. In Latvia, gas pistols could be acquired and possessed without a permit by persons from the age of 18, by presenting their identity documents to the dealers, who have the license to trade in arms. Lithuania has had many cases when criminals bought gas pistols in Latvia by providing forged or invalid personal documents to

the dealers. After that, criminals brought gas firearms into Lithuania, converted and used them for committing crimes<sup>110</sup>.

- Second, **Member States may fail to properly implement the Firearms Directive**. Trade in parts and components is, in general terms, a relatively large business and may pose a security threat where firearms can be built or reactivated by making use of essential components that have not been permanently deactivated in another MS. As an illustrative case, in Sweden, police have had cases where firearms from Finland have been found on a crime scene and, when the Swedish police contacted the Finnish authorities, they were told that the weapon has been deactivated. The example is illustrative of obstacles to law enforcement which can arise from both the improper deactivation and the lack of registration of deactivated firearms and components. Additional obstacles to an effective tracing of firearms are also linked to the different marking standards in use at national level that may create vulnerabilities. The disassembly of a fully assembled weapon in which only one essential component was marked can provide a source of unmarked essential components. These unmarked essential components can be sold to other MS without being traced.
- Third, **law enforcement may be complicated where state practice is not defined in the Directive**. For example, related to record-keeping and exchange of information, in the Swedish/Finnish case noted above, the failure to keep records of deactivated firearms made it impossible to trace the firearms recovered from the scene of a crime to their owner. The same happens when Italian front firing alarm weapons are exported to countries (e.g., France, Germany, Spain) where they are not registered being not considered firearms.

Besides complications with regard to law enforcement cross-border cooperation which arise from differences in national legal frameworks, there can also be some problems caused by different administrative and judicial procedures. As largely illustrated by the CSES report<sup>111</sup>, the lack of capacity in some MS to handle complex, cross-border investigations or the different priorities given by national police departments to cross-border issues, may further weaken the law enforcement.

## 2.4 Market: imbalances in the EU internal market

The **different legal approaches** in the implementation of the Firearms Directive across MS and, in particular, the **different classification of alarm weapons and replicas** and the lack of shared understanding of convertibility may have several consequences on the well-functioning of the Internal Market.

Interviews and several answers provided by representatives of manufactures, trade and users associations at EU level to the questionnaire (see Annex 2) confirmed an overall lack of clarity as to which rules apply to different kinds of firearms and other weapons and artefacts, **hindering legal certainty among economic operators**.

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<sup>110</sup> The report of CSES "Study to Support an Impact Assessment on Options for Combatting Illicit Firearms Trafficking in the EU", May 2014, under approval of the DG HOME presents additional evidence of the difficult law enforcement cross-border cooperation due to the differences in legal approaches. As an example, Germany and Slovenia had some problems linked to the different classification of old hand grenades.

<sup>111</sup> "Study to Support an Impact Assessment on Options for Combatting Illicit Firearms Trafficking in the EU", CSES, May 2014, under approval of the DG HOME.



At the same time, the **marketing and free circulation of alarm weapons and replicas** can be negatively affected by the lack of a clear and common understanding of which items should be allowed to freely circulate in the market (as non-convertible items), and which ones should be subject to the provision of the Firearms Directive. The examples collected during the fieldwork show how a fragmented legal framework across the EU can create obstacles in different ways. This is for instance the case of constraints to host big sport events in Italy where the ban for 9mm parabellum firearms makes it impossible for the country to host big shooting competitions. Another illustrative case relates to the Spanish marking regulations on antique guns that, subject to a requirement of full marking, lose their value as marketable items<sup>112</sup>.

Depending on the burden and costs of the different national requirements, the **competitive positioning of MS** on the internal market can be affected. In this regard, the Italian case is illustrative of how the strict interpretation of the EU legal framework as regards signal weapons created a number of obstacles and additional costs (for production and transport) that threaten the competitiveness of the Italian companies in the Internal and international Market (see Box 3). As an additional obstacle, also the Italian licensing system for firearms' export seems to be particularly burdensome in terms of time to obtain such a licence<sup>113</sup>.

### **Box 3: Signal weapons in Italy and the main issues for producers**

In Italy producers<sup>114</sup> face a number of issues in relation to the production and placing on the market of alarm and signal weapons, as a consequence of a strict national legislation. The burden placed on national producers is particularly high in relation to signal weapons (the most requested type of alarm weapons), considered as firearms in the national legislation. For this reason, Italian signal weapons need a matriculation number and a licence, as conditions for their ownership, selling and export/import operations.

This condition has brought a number of obstacles to the Italian producers of signal weapons if compared to other EU producers located in MS and/or third countries where signal weapons can be freely sold and bought.

The main issues refer to:

- **Higher costs related to safety tests of the National Proof House:** all signal weapons produced in Italy have to be tested, with the testing cost corresponding to about 20%<sup>115</sup> of the market value of the weapon;
- **Additional transportation/export authorizations:** signal weapons require the same transportation/export licences required for other firearms;
- **Higher transport cost:** EU carriers, bringing back a signal weapon to an Italian company to be repaired without specific accompanying documentation, do not accept the product back with all the required documentation of the Police. Additional difficulties may be encountered when sending replacement components. Also in this case carriers seem not to accept transport components that can be used for both blank firearms and signal weapons. Italian producers have thus to rely on authorized carriers which are generally more expensive.

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<sup>112</sup> Example reported by European Association of the Civil Commerce of weapons, which has lodged an infraction procedure against Spain.

<sup>113</sup> Interview with the "Associazione Nazionale Produttori Armi Sportive" (ANPAM).

<sup>114</sup> Workshop with the Italian producers held in Gardone Val Trompia, Italy, 14th of February 2014.

<sup>115</sup> Interview with representative of Italian producers of alarm weapons (Gardone Val Trompia, 14 February 2014). Specifically the proofing tests may cost around 4 to 5€ for weapons with an average price of 24€. This data was confirmed by the Proof House.

- **Prohibition of export to “sensitive countries”:** being classified as firearms, Italian signal weapons cannot be marketed in conflict countries/countries signalled as sensitive areas. The same items produced in other MS but not classified as firearms are not subject to this restriction.

Given that most of the production of Italian companies goes to the EU, the above mentioned obstacles are threatening the market positioning of Italian producers of signal weapons and may cause **losses of market shares** in favour of Turkish producers or other EU producers (i.e. Germany) where these products can be sold freely and without administrative added costs.

Apart from the issues due to the differences in classification of firearms and licensing procedures, as pointed out by producers, additional elements may hinder the competitiveness of a MS in the internal market. This is for instance the case of the **management of the safety tests** of the National Proof House. In Italy, as an example, all firearms produced pass through one Proof House with all the issues linked to the peak workload and a long “waiting list”, while in other MS such as Germany<sup>116</sup>, only a sample for each lot of production is tested and several Proof Houses can share the workload.

Moreover, it is worth noting that the simplification and **digitalisation** of the **procedures for issuing and obtaining the required licenses** (e.g. for transport and transfer) has been unevenly implemented across the EU, with the reduction of the final costs for producer only in some MS (see Box below).

#### **Box 4: The example of the digitalisation of the Central Police Station of Brescia (Italy)**

In 2013 a group of 17 Italian producers of firearms located in the Province of Brescia got together to implement a project aimed at digitalizing the Brescia Central Police Station (*Questura*). Relying on a relevant funding of *Regione Lombardia* (50% of the project value this project (total project value 630.000€) aims at reducing all costs linked to the request of administrative documents for firearms transport and transfers (i.e., costs related to messenger bringing the documents to the Central Police Station, costs related to the stamps for the official documents and the time spent for the transport of the documents).

At the end of 2015, all documents regarding firearms’ transfers and exports will be online. Producers can get licenses for transfer and export via the web and the Police can periodically screen the list of clients.

Finally, the different implementation of the EU legal framework has also some relevant impacts on the competitiveness of the EU MS towards Turkey, one of the main producers of alarm weapons. In a similar way, different legal approaches can partly limit the free movement of legitimate firearms’ owners. As an example, according to the interviews performed, some MS request additional permits to the EU Firearms Pass holders entering the country, in addition to the minimum requirements of the Firearms Directive<sup>117</sup>.

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<sup>116</sup> In Germany, firearms are tested individually. Alarm/signal weapons undergo type testing by the Physikalisch-Technische Bundesanstalt (PTB) and in certain cases individual testing (proof firing) by a Proof House. Replicas undergo either type testing or individual testing by a Proof House.

<sup>117</sup> Interview with the European Association of the Civil Commerce of weapons (AECAC).

## **2.5 The problem tree**

### ***2.5.1 Synthesis of the problems by area of analysis***

The analysis reported above pointed out several issues, in terms of security, legal differences and shortcomings across MS, which can be specified according to each aspect in the scope of the analysis, i.e. alarm weapons, replicas, marking and deactivation.

The following table reports a synthesis of the problems identified in relation to each matter, by detailing the related issues in terms of legislation, security and functioning of the market.

**Table 5: Synthesis of the problems related to each area of analysis**

Areas of analysis	Security issues	Legal and administrative issues	Market issues
<b>Alarm weapons</b>	<ul style="list-style-type: none"> <li>• <b>Converted alarm weapons</b> have been <b>used in several crimes</b> and are a matter of concern for a number of EU MS (e.g., NL, LT, UK) because: <ul style="list-style-type: none"> <li>○ Can be easier to be obtained;</li> <li>○ Are comparatively cheap, as compared to real/traditional firearms;</li> <li>○ The conversion can also be done by individuals.</li> </ul> </li> <li>• Increased use of the <b>internet as a sale channel</b> for alarm weapons and difficulties for law enforcement authorities' controls (absence of the a system for the detection of internet offences);</li> <li>• <b>Intimidating use</b> of alarm weapons;</li> <li>• <b>Uncertainty for law enforcement activities</b>, since the weapons defined as "alarm weapons" can be regulated in different manners across MS;</li> <li>• High number of <b>Turkish alarm weapons</b> entering the EU, which appear to be more easily convertible than the ones produced in the EU.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Different understanding of convertibility</b>, which implies different definitions of alarm weapons;</li> <li>• <b>Different license requirements</b> related to alarm weapons;</li> <li>• <b>Limited traceability</b> of alarm weapons (they are not registered/marked in all EU MS).</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Legal uncertainty and lack of clarity</b> for economic operators as to which rules apply to alarm weapons (i.e., in some EU MS alarm weapons are considered as firearms and in some others can be bought on the market with no license);</li> <li>• <b>Burden/obstacles</b> linked to the different national requirements, and namely: <ul style="list-style-type: none"> <li>○ Need for specific licenses/authorisation/marks to export in some MS;</li> <li>○ Long time needed to obtain the needed documents;</li> <li>○ Different costs of the safety testing of the Proof Houses;</li> <li>○ Duties to be paid to export products.</li> </ul> </li> <li>• <b>Loss of market shares of EU producers</b> in favour of Turkish producers, which have a strong availability of this product, low prices and good materials.</li> </ul>
<b>Replicas</b>	<ul style="list-style-type: none"> <li>• Use of replicas for <b>intimidating</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Different understanding of</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Legal uncertainty and lack of</b></li> </ul>

Areas of analysis	Security issues	Legal and administrative issues	Market issues
	<p>purposes (e.g. armed robberies);</p> <ul style="list-style-type: none"> <li>• <b>Uncertainty for law enforcement</b> activities as the same category (i.e., replicas) can include different types of firearms in different MS.</li> </ul>	<p>convertibility and different <b>definitions of “replica”</b>;</p> <ul style="list-style-type: none"> <li>• Different <b>license, marking and registration requirements</b>.</li> </ul>	<p><b>clarity for economic operators</b> as to which rules apply to replicas (i.e., in some EU MS replicas are considered as firearms and in some others can be bought on the market with no license);</p>
<b>Marking &amp; Record Keeping</b>	<ul style="list-style-type: none"> <li>• <b>Limited traceability</b> of firearms across borders and law enforcement capacity: MS apply different registration requirements apply to deactivated firearms, alarm weapons, replicas;</li> <li>• <b>Risk of alteration and erasing</b> of the marks.</li> </ul>	<ul style="list-style-type: none"> <li>• Differences in the <b>implementation of the legislation on marking</b> and different standards;</li> <li>• Potential issues in terms of <b>traceability of essential components</b><sup>118</sup>: given the absence of a common definition of essential components, some parts can circulate with no marking and be used in another MS to build or reactivate a firearm.</li> </ul>	<p>In relation to the safety tests and the marks of the Proof Houses/competent authorities, issues can rise:</p> <ul style="list-style-type: none"> <li>• <b>Different requirements</b> in terms of safety tests can create different burdens on producers;</li> <li>• The <b>absence of mutual recognition of tests and marks between</b> the CIP members and non-CIP members could imply additional burdens (i.e. duplication of the tests required).</li> </ul>
<b>Deactivation</b>	<ul style="list-style-type: none"> <li>• <b>Potential reactivation</b> of deactivated firearms for criminal offences;</li> <li>• <b>Circulation of deactivated firearms</b> with different levels of security (depending on the security of the deactivation procedures applied or on the appropriateness of controls performed by competent authorities);</li> <li>• <b>Trade in firearms parts and</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Different practices</b> and technical standards for deactivation and destruction;</li> <li>• <b>Different authorities</b> involved/responsible for deactivation and destruction;</li> <li>• <b>Different definitions</b> of “essential components” of firearms;</li> <li>• <b>Limited traceability</b> of deactivated firearms, given that, most of the times, these are</li> </ul>	NA

<sup>118</sup> See as an example the case of France presented in par.2.2.1

Areas of analysis	Security issues	Legal and administrative issues	Market issues
	<p><b>components</b> that have not been permanently deactivated and can be used to build or reactivate a firearm;</p> <ul style="list-style-type: none"> <li>• <b>Intimidating use</b> of deactivated firearms.</li> </ul>	<p>deleted from the firearms registry.</p>	
<p><b>3D printed firearms and internet sales</b></p>	<ul style="list-style-type: none"> <li>• <b>Emerging challenges for law enforcement authorities:</b> Plastic 3D printed firearms are difficult to be detected, as well as firearms and their parts and components acquired through internet;</li> <li>• 3D techniques can be used to <b>create essential parts, build or convert other weapons.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Possible <b>legislative gaps</b> in regulating this types of weapons (e.g. difficulties in the protection of data included in the software used for the manufacture of firearms with 3D printers);</li> <li>• <b>Advancements in technologies and materials</b> call for the revision of <b>marking and deactivation procedures and techniques.</b></li> </ul>	<p>In principle, 3D techniques can affect the firearms market in terms of:</p> <ul style="list-style-type: none"> <li>• The <b>product:</b> introduction of new types of firearms;</li> <li>• The <b>structure of the market:</b> new incoming competitors among firearms producers.</li> </ul>

### **2.5.1 Core problems, intermediate effects and drivers**

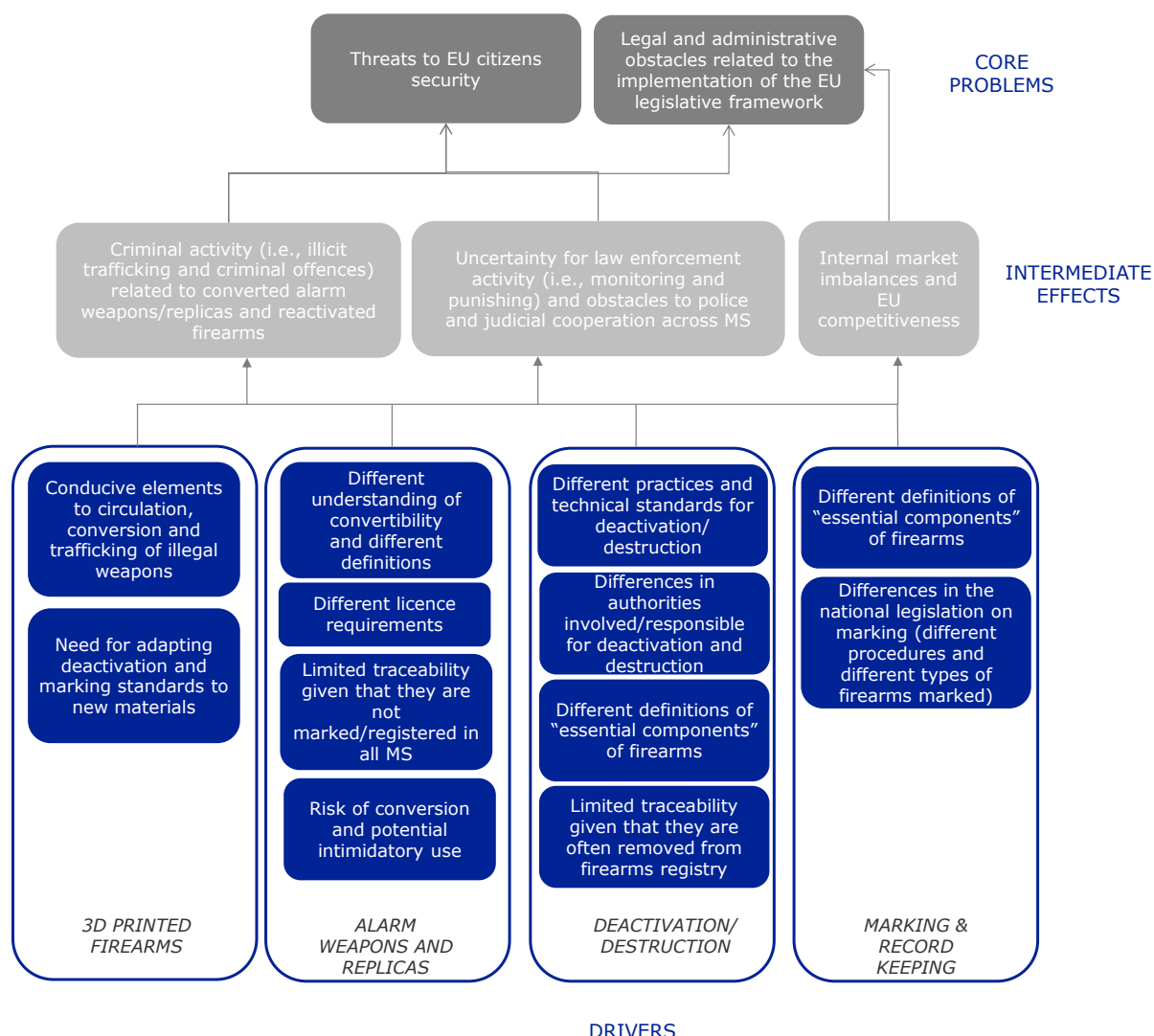
The problems presented in the table above have to be intended as the “drivers” behind a range of overall effects (or “intermediate effects”) and key issues (or “core problems”) to be addressed at the EU level.

According to our understanding, the EU framework on deactivation, destruction and marking standard and on alarm weapons and replicas poses two core problems:

- **Core problem 1 - Threats to EU citizens’ security:** the criminal activity related to the conversion and illicit trade of alarm weapons, of reactivated firearms or components, and the intimidatory use of replicas or deactivated firearms are all factors which pose serious security issues for EU citizens (first intermediate effect). Moreover, obstacles for law enforcement and for police and judicial cooperation are caused and complicated by the differences in the national legislation (second intermediate problem);
- **Core problem 2: Legal and administrative obstacles related to the implementation of the EU legislative framework.** The lack of clear definitions on alarm weapons and replicas, and the lack of technical guidelines on deactivation, marking and “convertibility” created scope for national interpretation, which resulted in differences in national approaches, but also in cases of incomplete or improper implementation of the Firearms Directive at the national level. These differences and shortcomings created vulnerabilities to the criminal activity (first intermediate effect) and obstacles to law enforcement (second intermediate effect) across the EU. Moreover, the differences in legislations across the EU create imbalances in functioning of the Internal Market (third intermediate effect). These three elements prevent the full achievement of the objectives of the legal framework established by the Firearms Directive at the EU level, in terms of security and internal market.

The core problems, the intermediate effects and the drivers behind them are summarised in the following problem tree, and in Table 6.

**Picture 6: Problem tree**



**Table 6: Details on the intermediate effects and the drivers behind them**

Intermediate effects	Description
<b>Problem 1: Criminal activity (i.e., illicit trafficking and criminal offences) related to converted alarm weapons and reactivated firearms</b>	<ul style="list-style-type: none"> <li>Evidence of conversions of alarm weapons and security risks related to replicas and deactivated firearms;</li> <li>Different standards of deactivation which can imply the circulation of firearms with different levels of security, and they can favour trade in firearms' parts and components;</li> <li>Different understanding of convertibility, implying a lack of a shared methodology for classifying whether or not weapons are convertible, and whether or not have to be included in the scope of the firearms directive;</li> <li>Different requirements across MS related to the acquisition, possession, and selling of deactivated firearms, alarm weapons</li> </ul>



Intermediate effects	Description
	<p>and replicas, which can increase the vulnerability to illicit use of these kinds of weapons.</p> <ul style="list-style-type: none"> <li>Differences across MS in marking and record keeping capacities due to differences in the marking and registration requirements applied to deactivated firearms, alarm weapons and replicas, and to the different implementation of rules on the marking of essential components of firearms.</li> </ul> <p>In addition, advancement in technologies could increase the circulation, conversion and trafficking of illegal firearms. Even though the use of 3D printing techniques for the manufacture of firearms (or firearms' components) has not been recorded by MS, the evolution of this technology may challenge in the future the security of EU citizens becoming an alternative way of procurement for criminal purposes.</p>
<p><b>Problem 2: Uncertainty for law enforcement activity (i.e., monitoring and punishing) and obstacles to police and judicial cooperation across MS</b></p>	<p>Differences in MS firearms' legislations can create uncertainty for law enforcement authorities as the same categories of firearms (e.g., replicas) can include different types of firearms in different MS. The main differences across MS legislations relate to the following issues:</p> <ul style="list-style-type: none"> <li>Different understanding of convertibility;</li> <li>Different requirements across MS related to the acquisition, possession, and selling of deactivated firearms, alarm weapons and replicas: MS rules vary from one MS to the other, by creating uncertainty as for which requirements apply to different weapons (the main differences may relate to: the definitions of alarm weapons and replicas, license requirements, standards of deactivation and related competent authorities, marking procedures and parts to be marked);</li> <li>Differences across MS in marking and record keeping capacities due to differences related to the implementation of marking rules, and the marking and registration rules applied to deactivated firearms, alarm weapons and replicas. In this perspective, the different registration and availability of data across MS in relation to alarm weapons/replicas and deactivated firearms limit the monitoring capacity of law enforcement authorities and the potential exchange of information and cooperation.</li> </ul>
<p><b>Problem 3: Internal market imbalances and EU competitiveness</b></p>	<p>The lack of clarity and the differences among MS as to which rules apply to replicas and alarm weapons have a twofold consequence: hindering legal certainty among economic operators, and preventing the marketing and free circulation of (non-convertible) alarm weapons and replicas. The overall effect is a challenge to the internal market functioning.</p>

The problems described above are likely to deteriorate if the current status remains unchanged.

Firstly, the production of firearms and other arms, and the imports from third countries are following an increasing trend (see data included in Annex 1), with the emergence of new commercial partners of the EU, such as China and Turkey. The demand for these products is consequently expected to follow a similar increasing trend.

At the same time, the number of EU citizens moving every year from one country to another is steadily rising and, thanks to the further enlargements, this trend is not likely to reduce. The increased intra-EU mobility, the lack of border controls within the EU coupled with differences in the firearms legislation across MS, could increasingly

represent factors of vulnerability to criminal activities, making it more difficult for the national police force to maintain the control on firearms and other arms entering the EU and the individual MS and to fight cross-border crime.

Secondly, differentiation at EU and MS level could increase as a consequence of the increasing number of initiatives undertaken by individual MS as a reaction to issues emerged in their national contexts. Examples are the changes in national regulations recently introduced in Lithuania (2011 regulation on alarm weapons), UK (the ban on specific models of air weapons), Sweden (concerning the procedures for the destruction of firearms). Finally, the technology uptake is posing new threats and has shown new vulnerabilities. The diffusion of the web as a firearms' sale channel, and the possible emergence of new illicit products, such as 3D printed firearms, are all factors, which should be considered as possible issues to be dealt with in the near future.

### 3 DEFINITION OF POLICY OBJECTIVES AND OPTIONS

#### 3.1 Definition of the policy objectives

Based on the synthesis of the problems and the related causes, the objectives of an EU initiative to improve the rules on deactivation, destruction and marking procedures of firearms and on alarm weapons and replicas (see Figure below) should be the following ones:

1. Improving the security of EU citizens;
2. Efficiently and effectively implementing the EU legislative framework.

These should be treated as **general objectives**, i.e. overall goals of the EU intervention.

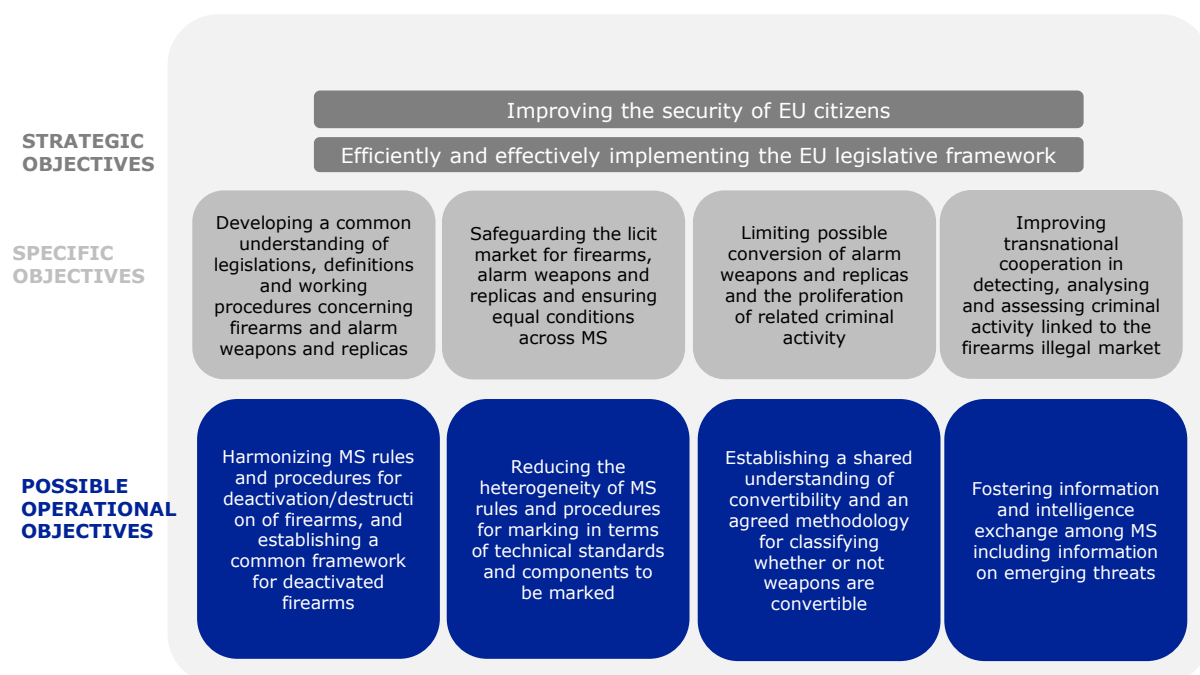
The **specific objectives**, i.e. the immediate objectives expressed in terms of direct and short-term effects or outcomes, should be:

1. Developing a common understanding of legislations, definitions and working procedures concerning firearms (i.e., marking, deactivation and destruction) and alarm weapons and replicas;
2. Safeguarding the licit market for firearms, alarm weapons and replicas and ensuring equal conditions across MS;
3. Limiting possible conversion of alarm weapons and replicas and the related criminal activity;
4. Improving transnational cooperation in detecting, analysing and assessing criminal activity linked to de/reactivated firearms, converted replicas and alarm weapons.

Finally, the **operational objectives**, i.e. those objectives that should be considered in the drafting of the intervention, are:

1. Harmonizing MS rules and procedures for deactivation/destruction of firearms in terms of technical standards and entities/competent authorities, by enforcing the guidelines on common technical standards which are being defined by the EC, and establishing a common framework to be applied to deactivated firearms;
2. Reducing the heterogeneity of MS rules and procedures for marking in terms of procedures and components to be marked;
3. Establishing a shared understanding of convertibility and an agreed methodology for classifying whether or not weapons are convertible;
4. Fostering information and intelligence exchange among MS including information on emerging threats (i.e. the monitoring of the use of new technologies for manufacturing and acquisition of weapons).

**Picture 7: Objective tree**



### 3.1.1 Consistency with problems identified

The purpose of this paragraph is to assess the adequacy and consistency of the general, specific and operational policy objectives identified with respect to the main problems and their underlying causes.

At a general level, the general objectives “Improving the security of EU citizens” and “Efficiently and effectively implementing the EU legislative framework” are directly aimed at addressing respectively the core problem 1: Threats to EU citizens’ security and the core problem 2: Legal and administrative obstacles related to the EU legislative framework.

As for specific and operational objectives, they are defined in connection with the above mentioned core problems and are directly related to the underlying causes identified. The table below summarizes the connections between specific and operational objectives on one side, and the intermediate effects /underlying caused on the other side.

**Table 7: Connections between problems and objectives**

Intermediate effects	Problems identified	Objectives defined to address the problems	
	Description	Specific Ob.	Operational Ob.
<b>Problem 1: Criminal activity (i.e., illicit trafficking and criminal offences) related to converted alarm weapons/ replicas and reactivated firearms</b>	<ul style="list-style-type: none"> <li>Evidence of conversions of alarm weapons and security risks related to replicas and deactivated firearms;</li> <li>Different standards of deactivation which can imply the circulation of firearms with different levels of security, and they can favour trade in firearms' parts and components;</li> <li>Different understanding of convertibility, implying a lack of a shared methodology for classifying whether or not weapons are convertible, and whether or not have to be included in the scope of the firearms directive;</li> <li>Different requirements across MS related to the acquisition, possession, and selling of deactivated firearms, alarm weapons and replicas, which can increase the vulnerability to illicit use of these kinds of weapons.</li> <li>Differences across MS in marking and record keeping capacities due to differences in the marking and registration requirements applied to deactivated firearms, alarm weapons and replicas, and to the different implementation of rules on the marking of essential components of firearms.</li> </ul> <p>In addition, advancement in technologies could increase the circulation, conversion and trafficking of illegal firearms.</p>	<ol style="list-style-type: none"> <li>Developing a common understanding of legislations, definitions and working procedures concerning firearms (i.e., marking, destruction, deactivation) and alarm weapons and replicas;</li> <li>Establishing a shared understanding of convertibility and an agreed methodology for classifying whether or not weapons are convertible.</li> </ol>	<ol style="list-style-type: none"> <li>Harmonizing MS rules and procedures for deactivation/destruction of firearms in terms of technical standards and entities/competent authorities, and establishing a common framework to be applied to deactivated firearms;</li> <li>Establishing a shared understanding of convertibility and an agreed methodology for classifying whether or not weapons are convertible;</li> <li>Fostering information and intelligence exchange among MS including information on emerging threats.</li> </ol>
	<p><b>Problem 2: Uncertainty for law enforcement activity (i.e., monitoring and</b></p> <p>Differences in MS firearms' legislations can create uncertainty for law enforcement authorities as the same categories of firearms (e.g., replicas) can include different types of firearms in different MS. The main differences across MS legislations relate to the following issues:</p> <ul style="list-style-type: none"> <li>Different understanding of convertibility;</li> </ul>	<ol style="list-style-type: none"> <li>Developing a common understanding of legislations, definitions and working procedures concerning firearms (i.e., marking, destruction,</li> </ol>	<ol style="list-style-type: none"> <li>Harmonizing MS rules and procedures for deactivation/destruction of firearms in terms of technical standards and entities/competent authorities, and establishing a common</li> </ol>

Problems identified		Objectives defined to address the problems	
Intermediate effects	Description	Specific Ob.	Operational Ob.
<b>punishing) and obstacles to police and judicial cooperation across MS</b>	<ul style="list-style-type: none"> <li>Different requirements across MS related to the acquisition, possession, and selling of deactivated firearms, alarm weapons and replicas: MS rules vary from one MS to the other, by creating uncertainty as for which requirements apply to different weapons (the main differences may relate to: the definitions of alarm weapons and replicas, license requirements, standards of deactivation and related competent authorities, marking procedures and parts to be marked);</li> <li>Differences across MS in marking and record keeping capacities due to differences related to the implementation of marking rules, and the marking and registration rules applied to deactivated firearms, alarm weapons and replicas. In this perspective, the different registration and availability of data across MS in relation to alarm weapons/replicas and deactivated firearms limit the monitoring capacity of law enforcement authorities and the potential exchange of information and cooperation.</li> </ul>	<p>deactivation) and alarm weapons and replicas;</p> <p>4. Improving transnational cooperation in detecting, analysing and assessing criminal activity linked to the firearms illegal market (i.e., reactivated firearms, converted alarm weapons and replicas)</p>	<p>framework to be applied to deactivated firearms;</p> <p>2. Reducing the heterogeneity of MS rules and procedures for marking in terms of technical standards and components to be marked;</p> <p>3. Establishing a shared understanding of convertibility and an agreed methodology for classifying whether or not weapons are convertible;</p> <p>4. Fostering information and intelligence exchange among MS including information on emerging threats.</p>
<b>Problem 3: Internal market imbalances and EU competitiveness</b>	<p>The lack of clarity and the differences among MS as to which rules apply to replicas and alarm weapons have a twofold consequence: hindering legal certainty among economic operators, and preventing the marketing and free circulation of (non-convertible) alarm weapons and replicas. The overall effect is a challenge to the internal market functioning.</p>	<p>2. Safeguarding the licit market for civilian firearms and ensuring equal conditions across MS.</p>	<p>2. Reducing the heterogeneity of MS rules and procedures for marking in terms of technical standards and components to be marked;</p> <p>3. Establishing a shared understanding of convertibility and an agreed methodology for classifying whether or not weapons are convertible.</p>

### **3.1.2 Consistency with the EU and international policy developments**

The objective tree presented above integrates the objective of ensuring a high level of security for EU citizens with the need of effectively and efficiently implementing the EU legislative framework on firearms, while safeguarding the licit market for civilian firearms.

The achievement of this balance is at the core of the European Commission priorities<sup>119</sup>, in line with both the Treaty on the Functioning of the European Union (TEFU), as regards in particular the right of free movement of goods, and the Firearms Directive as for the need to control this freedom using security guarantees when dealing with potential dangerous weapons (i.e., alarm weapons and replicas).

In this view, the policy objectives proposed in this study have been drafted in line with the existing EU policy framework and the additional EU actions which are currently underway, and which can be summarised as follows:

1. Progressively aligning national firearms legislations, while safeguarding the licit market for civilian firearms;
2. Disrupting the illicit firearms trafficking/trade and organised crime;
3. Fostering cooperation at national and international level.

As regards the first issue, the European Commission has started to **align national legislations concerning firearms** with the Directive 91/477/EEC which firstly introduced a common legislative framework for all MS regarding firearms acquisition and possession, and then with its amendment (i.e., Directive 2008/51/EC). The latter has better specified the scope of the Directive, providing more detailed definitions and introducing additional requirements to limit the threat that firearms can cause to EU citizens' security (e.g., marking requirements, requirements to buy or own a firearm, etc.). Additional steps towards a common understanding of the EU legislative framework are expected in the next months, when common deactivation guidelines should be approved by the EC and should replace national rules<sup>120</sup> which at present leave a space for threats to the internal market security.

In the last years, intense work has been carried out at the EU level in order to analyse the effects of the differences among MS legislations and practices, and to assess the opportunity to **improve the current EU legislative framework**. Efforts have been also devoted to further **reduce the heterogeneity in rules and procedures for marking, deactivation and destruction of firearms, and in the definition of replicas and alarm weapons**<sup>121</sup>.

Reducing the divergences in the national application of rules on firearms and other weapons is also a key aspect of the EU actions for the **fight against illicit**

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<sup>119</sup> These two priorities have been reaffirmed in one of the last press releases, pointing out the need for "addressing weaknesses in the EU, across the whole lifecycle of weapons, including production, sale, possession, trade, storage and deactivation, while respecting strong traditions of lawful gun use, like sports shooting and hunting for example" (Source: Time for stronger EU action against gun violence, European Commission - IP/13/980 21/10/2013 [http://europa.eu/rapid/press-release\\_IP-13-980\\_en.htm](http://europa.eu/rapid/press-release_IP-13-980_en.htm).)

<sup>120</sup> Amendment of Annex I, Part III of the Directive 91/477/ECC.

<sup>121</sup> COM(2010)404 final, Report from the Commission to the European Parliament and the Council, The placing on the market of replica firearms; COM(2012) 415 final on the Possible advantages and disadvantages of reducing the classification to two categories of firearms (prohibited or authorised) with a view to improving the functioning of the internal market for the products in question through simplification; the common guidelines on deactivation of firearms currently under discussion.

**trafficking/trade and organized crime.** This issue has increasingly become a crucial priority for the EC, and has been integrated in the overall strategy launched in October 2013, “Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking”. Moving from the assumption that differences in national legislation on firearms may be exploited by criminals, the Communication calls for approximation of national firearms legislation, including areas such as deactivation and destruction, clarification of which firearms are banned or require licence, markings and licensing for trade and possession of a weapon<sup>122</sup>.

Finally, fighting illicit firearms trafficking is necessarily and strictly related to the need for strengthening the **cooperation among MS**, as a means to adequately monitor the movement of firearms and other items, and facilitate law enforcement. In this field, the list of initiatives underway is quite long: from guidance and training of law enforcement officers (i.e. CEPOL trainings and the proposal for the establishment of a European Law Enforcement Training Scheme)<sup>123</sup>, to the improvement and extension of systems for tracing firearms (e.g. the Interpol system for registering and tracing illicit - iARMS). In this regard, it is worth mentioning also the actions included in the new EU policy cycle (2013-2017)<sup>124</sup> on serious and organised crime, which has started in 2013 with the European Union Serious and Organised Crime Threat Assessment (EU SOCTA), drafted by Europol, and that provides a complete and thorough picture of criminal threats impacting the European Union.

Within this policy cycle, under the **7th customs-police cooperation action plan**, a range of operational activities directly related to firearms has been launched for the definition of a comprehensive plan for cross border cooperation. The main action plans’ initiatives are:

- coordinated data collection and information sharing on firearms crimes committed within and across MS;
- monitoring operations conducted by police authorities to identify and dismantle the principal routes of illegal firearms traffic, across the eastern EU boundaries and from North Africa;
- encouraging firearms-related alerts transmission taking advantages of the new Schengen Information System;
- introduction of a programme of collaboration among police customs operations under MS and Europol coordination through the lead of the Commission to identify the risk of firearms being trafficked by passenger movements across Member States<sup>125</sup>.

The development of the action plan will be supported by the deployment of the EU Internal Security Fund for the period 2014-2020<sup>126</sup>. This set of actions take place **coherently with a global commitment to fight illicit trafficking and criminal use of firearms** as shown by the ratification by the EU of the UN Firearms Protocol. This will strengthen controls on the transfer of handguns, pistols and other small arms into, out of

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<sup>122</sup> COM (2013) 716 Final.

<sup>123</sup> COM(2013) 172 final.

<sup>124</sup> Council conclusions on the creation and implementation of a EU policy cycle for organised and serious international crime, 2010.

<sup>125</sup> COM (2013) 716 Final.

<sup>126</sup> The Internal security fund for the period 2014-2020 amount to 4.648€ million, and has been partially dedicated to the 7<sup>th</sup> custom police coordination action plan through COM(2011) 753 final.



and within the EU setting high common international standards on imports, exports and transfers and on the manufacturing, and marking (i.e., introduction of the obligations for the marking of all essential components of firearms). The Commission will need to assess the opportunity for revisions of the Firearms Directive following the ratification of the UN Firearms protocol.

### **3.1.3 The necessity of the EU action and the EU right to act**

The problems described in the paragraphs above are partly related to differences in national legislations and clearly assume a cross-border nature. Vulnerabilities of the individual MS to criminal activity (conversion and illicit trafficking of weapons, replicas and reactivated firearms) and obstacles to controls and police cooperation across MS affect the EU as a whole. Furthermore, cases of conversion of alarm weapons which occurred in Lithuania and the Netherlands, described in par. 2.2.1, highlighted the transnational aspect of the problem, which can hardly be solved with interventions at the MS level (in Lithuania, the efforts for disrupting the illicit trafficking of converted alarm weapons risk to be hampered by the availability of these items in the neighbouring MS, while in the Netherlands, the issue took the form of a cross-border crime, facilitated by transnational networks acting across EU MS). Based on that, an effective action to reach the objectives of ensuring a high level of security for EU citizens and effectively and efficiently implementing the EU legislative framework can be taken only at EU level.

The EU action in this field has always been oriented at finding the right balance between the protection of EU citizens' security and the free movement of persons and goods in the EU territory, based on the principles of the Treaty on the Functioning of the European Union (TFEU), conferring the EU the competence to protect the EU citizens' security, while granting the free movement of persons and goods.

Article 67 (3) of the TFEU states that *"The Union shall endeavour to ensure a high level of security through measures to prevent and combat crime, racism and xenophobia, and through measures for coordination and cooperation between police and judicial authorities and other competent authorities"*. Article 346 of the TFEU, while establishing that *"any Member State may take such measures [i.e. not disclosing information it considers contrary to the essential interests of its security] as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material"*, it also states that *"such measures shall not adversely affect the conditions of competition in the internal market regarding products which are not intended for specifically military purposes"*.

The principle of the free movement of goods – also applied to the marketing and use of civilian firearms, alarm weapons and replicas – is established by Articles 34 to 36 TFEU, prohibiting national measures which can or could, directly or indirectly, impede intra-Community trade, of course without prejudice to security<sup>127</sup>.

EU rules harmonizing the national legislation in the subject matter would pursue the twofold objective of facilitating the free movement of the concerned products and considering the security concerns of the Member States, being consequently in line with

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<sup>127</sup> Article 34 (ex Article 28 TEC) - "Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States" and Article 35 (ex Article 29 TEC) - "Quantitative restrictions on exports, and all measures having equivalent effect, shall be prohibited between Member States" prohibit quantitative restrictions to import and export between Member States, whereas Article 36 (ex Article 30 TEC) states that: "The provisions of Articles 34 and 35 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security".

the endeavour to ensure high level of security (Article 67 of the TFEU) and the principle of the free movement of goods (Articles 34 and 36 TFEU).

## 3.2 Definition of the policy options

### 3.2.1 Policy options identified

The full range of basic options that the Commission can use to intervene, including the “No EU action” option<sup>128</sup>, has been considered, i.e.:

- Do nothing, i.e. maintaining the status-quo;
- Do not legislate, including encouraging co-operation between the Member States by means of Communications;
- Legislate, including:
  - Amending existing legislation;
  - Proposing new legislation (e.g. Regulation, Directive).

Starting from the complete set of possible policy approaches, the analysis aimed at selecting a shortlist of realistic options, likely to achieve the proposed objectives. The definition of this shortlist has been aimed at **considering and taking inspiration from the interesting and relevant aspects identified both at EU and international level**, in terms of **legislative systems and provisions adopted**. The purpose was therefore to consider any solution that could better qualify the proposal for an EU intervention on this subject, respecting also the needs and peculiarities of the single national systems. The effort for identifying the list of policy options has been based on the **in-depth analysis** of the legislations of the **MS, the recent work undertaken by the European Commission** on the matter<sup>129</sup>, and the elements - in terms of market issues and security threats - provided by the analysis of the **problem**.

The following options have been considered and further developed:

- Policy option 1: Status quo.
- Policy option 2: (*Non legislative option*) EC Recommendations promoting common minimum standards and cooperation among MS
  - **Sub-option 2.A** - Recommendations on common minimum standards on marking, deactivation and destruction of firearms;
  - **Sub-option 2.B** - Guidelines and sharing of information on convertibility of weapons;
  - **Sub-option 2.C** - Enhancing knowledge sharing, data collection and reporting;
- Policy option 3: (*Legislative option*) Harmonization of rules on marking.
  - **Sub-option 3.A:** Mutual recognition of marks across MS;
  - **Sub-option 3.B:** Unique EU marking standard.
- Policy option 4: (*Legislative option*) Harmonization of rules on deactivation and destruction of firearms.

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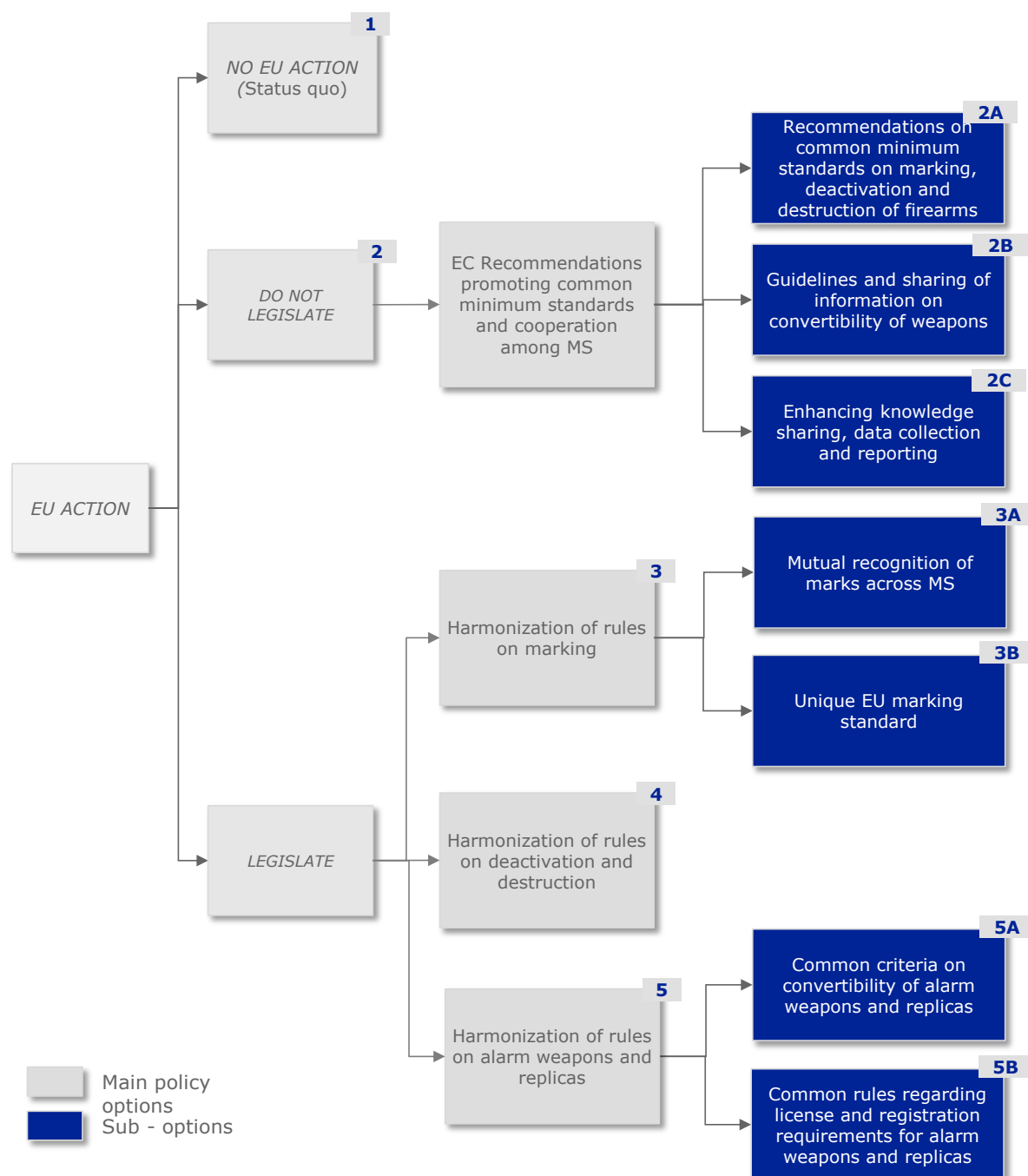
<sup>128</sup> According to the Impact Assessment Guidelines, SEC(2009) 92.

<sup>129</sup> COM(2013) 716 final, COM(2010)404 final, COM(2012) 415 final.

- Policy option 5: (*Legislative option*) Harmonization of rules on alarm weapons and replicas.
  - **Sub-option 5.A:** Common criteria on convertibility of alarm weapons and replicas;
  - **Sub-option 5.B:** Common requirements regarding registration of alarm weapons and replicas.

The figure below represents the structure of the options identified.

**Picture 8: Policy options**



### **3.2.2 Description of the policy options**

#### **a) Policy option 1 – Status quo**

Should the status quo be maintained, several divergences among MS would continue to exist, together with shortcomings in the effective implementation of the Directive (e.g. as regards the marking of all essential parts, or the correct application of the definitions provided by the Directive).

Therefore, different standards for the **deactivation** of firearms would be applied across MS, including the presence of some MS which recognise destruction as the only method of deactivation. The forthcoming proposal of common guidelines on deactivation standards by the European Commission is expected to harmonize standards, and to address several areas of heterogeneity among MS, in terms of authorities and entities involved in deactivation and destruction procedures; nevertheless, definitions and rules applied to deactivated weapons, licenses and registration requirements would continue to be highly differentiated among MS. Similar considerations apply to **marking** procedures. Although the application of C.I.P. standards brings a certain degree of harmonisation relating to the proof tests and proof marks placed, differences in terms of authorities involved, parts to be marked and rules to ensure that unmarked weapons do not enter the market persist.

In the absence of an EU intervention, a high level of fragmentation across the EU would remain especially as regards the definition of **alarm weapons and replicas**: despite some indications in the Firearms Directive, the definition of alarm weapons and the term “replicas” cover items that differ considerably from one MS to another and that are subject to different levels of restrictions. The lack of technical guidelines on how to deal with the “convertibility” of weapons has left room to national interpretation and has resulted in differences in national definitions and approaches.

These differences in the implementation of the EU legislative framework are likely to create vulnerabilities of the EU MS to criminal activity, obstruct law enforcement activities and cross-border cooperation, and to undermine the internal market. Cases of conversion of alarm weapons for criminal purposes have been recorded in several MS and represent a real threat to security; also cases of reactivated weapons entering the market have been documented.

Finally, elements such as the increasing intra-EU mobility (further challenging the border controls) and advancements in technologies (e.g. 3D printing and internet sales) are all factors that suggest a possible deterioration of the status quo.

#### **b) Policy option 2 – Non legislative option**

Policy Option 2 (*non-legislative option*) “**EC Recommendations promoting common minimum standards and cooperation among MS**” would enhance the common understanding of the legal framework applicable to the marking, deactivation and destruction of firearms, and to alarm weapons and replicas. This option would also enhance administrative cooperation to facilitate the law enforcement across MS and would foster other non-legislative actions, including elaboration of common glossaries, benchmarking, and exchange of good practices.

The activities would be particularly focused on the following aspects:

- Procedures for marking, deactivation and destruction of firearms and related actors involved;
- Criteria for defining whether alarm weapons and replicas are convertible;

- Capacity building and information sharing, with specific focus on new threats and new technologies, enhancement of data collection, reporting and record keeping capacity.

The promotion of harmonization and cooperation can be implemented through a set of sub-options. Four sub-options, presented below, are non-exclusive and can be combined.

### **Sub-option 2.A – Recommendations on common minimum standards on marking and deactivation of firearms**

This sub-option will address the need for enhancing harmonisation among MS concerning marking and deactivation/destruction of firearms, by the means of an EC recommendation on these matters.

The elaboration of **common minimum standards** on **marking** of firearms would be aimed at ensuring a complete traceability of firearms, while enhancing the law enforcement across MS, by enhancing the compliance of EU MS to the requirement of marking all the essential components of firearms, and would set minimum requirements as relates to the security of marks against erasing or tampering, information to be impressed, and record keeping requirements by MS authorities. Procedures ensuring the traceability and safety of firearms entering the market are in place: in MS part of the C.I.P. firearms are subject to proof-tests and, in addition to the manufacture's marks, proof-marks are impressed on the tested weapons. However, the lack of a common system does not fully protect the EU from the risks implied by the circulation of unmarked firearms. Therefore, the recommendations would ask MS to ensure the implementation of the rules on marking set in the Directive, by also putting in place control procedures aimed at ensuring that unmarked firearms cannot be placed on the market.

On the other hand, harmonisation would be promoted on the **deactivation and destruction standards and procedures**, by intervening on the main areas of heterogeneity and potential sources of risk. The recommendation would, therefore, address:

- The **need for enforcing common technical standards** for deactivation and destruction (based on the work undertaken by the EC), in order to ensure that firearms and all their components are rendered permanently unfit for use;
- The **identification of public entities** involved in both the issuance of licences or permits to the legal persons or companies entitled to carry out the deactivation or destruction, and the control and oversight of the procedure executed;
- Possible **requirements for registration** of deactivated firearms, and standards for record keeping of their parts and components.

This option would build on the actions that the Commission is currently promoting (i.e. the common deactivation guidelines, and the investigation of the feasibility of an EU marking standard for all weapons<sup>130</sup>), with the aim of integrating the different issues related to marking, deactivation and destruction of firearms in a comprehensive instrument, and providing guidance to MS.

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<sup>130</sup> Included in the Communication COM(2013) 716.

### **Sub-option 2.B: Guidelines and sharing of information on convertibility of weapons**

This sub-option would increase the shared understanding of when a weapon 'as a result of its construction or the material of which it is made, can be so converted'.

Also in this case, several MS (such as Germany or Italy) already apply technical criteria to judge the convertibility of weapons, and procedures to verify that these criteria are met are in place (proof tests by the National proof-house/other competent authority). However, a significant differentiation exists: the lack of guidance on when an alarm weapon can be converted contributes to different standards being applied across the EU. This can undermine the application of rules in any given MS because of the ease of movement of weapons that have been classified using different standards in another MS. The study has documented cases where this has already occurred.

Based on that, this option would pursue the creation of a common system, through the:

- Promotion of dialogue among technical experts from MS on the appropriate standards to judge convertibility;
- Creation of a technical guidance document that will inform national decisions on which weapons are convertible, and therefore to be treated as firearms in the framework of the Firearms Directive;
- Collection, sharing and analysis of information related to converted weapons.

### **Sub-option 2.C - Enhancing knowledge sharing, data collection and reporting**

This sub-option is aimed at **strengthening the national intelligence systems** and promoting the **information sharing among MS, and at improving the information basis available at the EU level.**

Firstly, the sub-option would focus on the developments in the firearms market and trafficking (such as the online market of firearms and other weapons, parts and components), and the impacts of new technologies on control and tracing of weapons.

As noted above, the recent developments in weapons manufacturing, technology and design changes in the materials of firearms (including the increase of plastic materials for the manufacturing of weapons or the possible advancement in 3D printing techniques) have a range of implications for effective marking, record-keeping and tracing, or deactivation procedures, which should be further investigated and taken into consideration. At the same time, new technologies can also represent an opportunity for the improvement of control and law enforcement capabilities. Several institutions are investigating the possibilities offered by the so called "smart-gun" technologies: since the mid-1990s, numerous studies have been carried out with the aim of developing firearms with advanced gun safety technology ("smart guns" or "personalized firearms", i.e. firearms designed to contain authorization systems based on authentication and blocking mechanisms)<sup>131</sup>. Similarly, the new technologies could offer high opportunities for the tracing of firearms that should be further explored.

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<sup>131</sup> Several Institutions in the US have been exploring these technologies for a long time, although personalized weapons are still not commercialized. Moreover, as an example of the attention gained by this issue also in Europe, in 2013 the German Federal Foreign Office and the Bonn International Center for Conversion organized a conference on smart technologies for small arms control, supported by the SAS ('Smart Technology in SALW

These activities would take place in a structured form, e.g. through the organisation and institutionalisation of meetings among MS authorities, EU Institutions and Agencies (such as Europol) and relevant third parties (the relevant **UN offices**, experts from **research institutions** such as the Small Arms Survey), in order to build a coherent and comprehensive approach. In more detail, the MS law enforcement authorities would be invited to exchange experiences and information, through a set of thematic meetings.

Finally, this sub-option would introduce common guidelines related to the **collection of data on deactivated firearms, alarm weapons and replicas**.

The current lack of specific and detailed data is one of the major obstacles preventing policy makers from designing evidence-based policies dealing with deactivated firearms, alarm weapons and replicas. A sound record-keeping system, together with the collection of data on the number, type, and use of deactivated firearms, alarm weapons and replicas would allow each MS to better understand the scale of the issues related to these items and to improve the level of security through a European wide exchange of information. This option should be framed in the context of the actions already undertaken by the Commission to improve knowledge, cooperation and exchange of information among MS<sup>132</sup>, by integrating the specific issues that relate to alarm weapons, replicas and other security threats, by enhancing the collection of:

- Disaggregated data on production, import and export of firearms, on alarm and signal weapons and replicas, through the involvement of the producers and, when relevant, of the national Proof Houses;
- Detailed statistics at national level on deactivated firearms, alarm and signal weapons, replicas circulating in the MS and the number of firearms' owners;
- Detailed data on criminal offences committed with converted alarm or signal weapons, replicas and re-activated firearms.

### **c) Policy option 3 – Legislative option– Harmonization of rules on marking**

Option 3 "**Harmonization of rules on marking**" would represent a legislative intervention to ask MS to raise their minimum standards on a number of aspects of security concern. This would include an obligation to mark all essential components at the time of manufacturing or import, in line with the UNODC legislative guidance document for the UN Firearms protocol.

Moreover, the fragmentation of the procedures can also imply potential obstacles to the functioning of the Internal Market as marks can be not recognised in all MS<sup>133</sup>. To this end, the policy option would aim at facilitating the recognition of marks across the MS, through two alternative sub-options, presented below.

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Control: Civilian Protection, the UN-POA, and Transfer Control' Berlin 17-18 June 2013 – for more details, see the Background Paper "Personalized Firearms and Electronic Safety Devices – Perspectives"). Finally, the United Nations have adopted several documents indirectly dealing with this issue in relation to SALW (e.g. references to new technologies are included in the Firearms Protocol, the Arms Trade Treaty).

<sup>132</sup> See the Commission Communication COM(2013) 716 final, Priority 4 "Building a better intelligence picture".

<sup>133</sup> As an example, the EC received some complains on the procedures followed by some MS marking firearms imported from other MS, disregarding the European legislation.



### **Sub-option 3.A: Mutual recognition of marks across MS**

Starting from the current practice of mutual recognition of the Proof Houses' marks across CIP members, this sub-option would extend this practice to all EU MS, by fostering a European mutual recognition of marks.

This sub-option would specifically address those cases when for MS asking for additional marks, documentation places a disproportionate administrative burden and prevents the correct functioning of the internal market.

The mutual recognition of MS marks would, therefore, be established, provided that marks respect minimum standards on marking techniques, definition of essential components to be marked, information to be recorded. The definition of these minimum requirements would be based on the organisation and institutionalisation of meetings among Proof Houses/MS authorities responsible for marking in different MS, in order to build a coherent and comprehensive approach. These meetings would aim at building a common understanding of different national procedures, clarifying any potential conflicts among national legislations and, therefore, establishing the conditions for the mutual recognition.

The effectiveness of the mutual recognition procedure can be further improved by the creation of a dedicated contact point at EU level that would be responsible to support MS when a mark is not recognised.

### **Sub-option 3.B: Unique EU marking standards**

This sub-option would focus on the definition of binding common EU marking standards in order to facilitate the circulation of firearms in the Internal market and improve the traceability and the EU citizens' security through the definition of high safety standards.

EU marking standards would address the following issues:

- Identification of the firearms' essential components to be marked;
- Definition of common minimum requirements in terms of safety testing to be performed by National Proof Houses/competent authorities before the entry into the national market of a firearm;
- Definition of the information to be impressed (e.g., addition of an "EU mark" to the information already requested by the Firearms Directive), record keeping requirements and information exchanges.

The definition of EU marking standards would also imply actions to improve the dialogue among competent authorities in different MS, in order to guarantee the smooth implementation of the unique marking system and a uniform recording/tracking of firearms.

### **d) *Policy option 4 – Legislative option – Harmonization of rules on deactivation and destruction of firearms***

This option would focus on the **enforcement of common standards for deactivation** in order to limit the potential circulation of deactivated firearms that could be potentially reactivated, and on the definition of the national competent authorities/entities responsible to ensure that the modifications made to a firearm render it irreversibly inoperable, in order to address potential gaps in the procedures for adequate controls.



This option should be developed in close relation with the common technical standards which are under discussion at the EC level, and in strong cooperation with MS and experts.

Besides technical standards for deactivation, an additional important aspect to take into account relates to **the requirements for owners in case of selling or transfer**. In most MS, deactivated firearms are not considered firearms anymore, and thus they are erased from the official register making it impossible to trace them back to their original owner. Nonetheless, these items can be considered as a security concern (depending on the different deactivation standards applied), and used for intimidatory purposes. This legislative option would strengthen technical deactivation, while keeping certain rules for the ownership, selling and transfer of these items.

**e) Policy option 5 – Legislative option – Harmonization of rules on alarm weapons and replicas**

In general terms, this option would pursue the harmonization across the 28 MS in terms of definitions of and control measures for alarm weapons and replicas, by establishing common definitions and rules on alarm/signal weapons and replicas. This option is articulated in two sub-options.

**Sub-option 5.A: Common criteria on convertibility of alarm weapons and replicas**

This sub-option would focus on the creation of a common understanding of convertibility, by the issuance of technical guidelines that would detail: the criteria that qualify them as convertible and, thus, in the scope of the Firearms Directive; the technical methodologies for verifying that these criteria are met.

Criteria will include elements such as: construction materials, the possibility for removing essential components, the size of the essential components, colours/components distinguishing the alarm weapons from live firearms. However, the guidelines will be defined with the involvement, from the beginning of the process, of national experts from each MS, selected among Police/forensic authorities, experts on firearms and representatives of the producers.

The respect of the criteria will be verified by the national authorities and/or other bodies (such as the Proof Houses), which are in charge of the testing and apposition of the proof-marks before placement on the market. The opportunity to execute the tests on the models of alarm signal weapons and replicas (rather than on each single weapon) could be also considered.

Alarm/signal weapons and replicas that prove to be not in line with the anti-conversion criteria will be subject to the provisions of the Firearms Directive and the related requirements (depending on the classification defined, according to the categories set out in the Annex I).

Finally, a system for the sharing of information among MS authorities will be defined: each MS will be asked to communicate the list of weapons that, based on the common technical guidelines, have been classified as “convertible” and therefore in the scope of the Firearms Directive. Those weapons should be, therefore, treated as “convertible” also in all the other MS (this would avoid that MS do not consider certain alarm/signal weapons as firearms even though law enforcement in other EU MS has proved that those weapons are convertible).

As compared to the sub-option 2.C, a higher impact is expected, due to the binding nature that the guidelines on convertibility would have, with positive effects on the reduction of divergences across MS. This option would also have an effect on issues due to shortcomings in the effective implementation of the Firearms Directive, by addressing the lack of clarity on “convertibility” and the resulting large differences in the regulation of alarm weapons and replicas.

#### **Sub-option 5.B: Common rules regarding registration for alarm weapons and replicas**

In addition to the specification of the criteria which **qualify an alarm weapon as convertible and the testing requirements**, this sub-policy option would establish common requirements on marking (by manufactures), registration and acquisition of alarm weapons and replicas classified as non-convertible. Particular attention would be placed on improving the record-keeping and traceability capacities, by introducing the requirement for registering alarm weapons and replicas in the national computerised record-keeping systems, as established under the art. 4 of the Firearms Directive. Finally, in order to keep track of the movements and update the registers, the obligation for the owners to communicate the transfer or selling of replicas would also be established.

Also in this case, a high impact is expected, especially in terms of law enforcement and traceability. However, the additional costs placed on producers, the need for introducing common standards on record-keeping and, above all, the request for a permit are also likely to meet resistance from the different stakeholders. Moreover, the new rules might result in an increased administrative burden on law enforcement and other stakeholders involved (manufactures, EU citizens). To this end, an accompanying measure is also proposed, aimed at minimizing the information requirements implied by the possible legislative intervention with IT systems.

#### **Accompanying measure to Policy Option 5: IT systems for the electronic exchange of data**

With reference to all the policy options above, national authorities would be recommended to **adopt IT systems allowing quick and less burdensome as possible procedures** related to registration requirements, communications about the selling or transfer of an alarm/signal weapons or a replica. The introduction of new or additional requirements in marking and registration has an impact on public authorities, and on several groups of stakeholders, including producers and EU citizens. In order to minimize the effects, MS authorities should rely on systems for the electronic exchange of information, as means for receiving applications and the supporting documents, and permits and licenses should be issued as electronic documents.

This system should be created by the different national public authorities, at a centralized or regional/local level, depending on the administrative structure of the MS.

## 4 IDENTIFICATION OF THE PREFERRED POLICY OPTION

### 4.1 Description of the identified impacts

The list of potential and likely impacts of an EU intervention has been defined based on **the evidence that has emerged and the analyses carried out in the previous phases of the Impact Assessment** including a second round of **stakeholders' consultation**, specifically focused on the policy options.

The approach used to identify impacts has been based on the structuring of a **causal model**, which starts with the identification of the impacts that would arise as a result of the policy attaining its set objectives. These initially identified impacts can then form the basis for identifying further rounds of impacts, and so on. Therefore, the **links between causes** (i.e. the action and instrument at EU level) and **effects** (the impacts) and the **relationship between the impacts** have been investigated and represented through the development of the Impact Causal Model. Moreover, the **shortlist of potential impacts** presented in the Commission guidelines on Impact Assessment<sup>134</sup> has been used both to determine the likely areas of impacts and to ensure that impacts and issues that have particular policy relevance have been included in the impact analysis.

On the whole, the following impacts have been identified and **classified** according to the main areas of impact (Social, Economic, Fundamental Rights):

- **Social impacts**, taking into account:
  - Impacts in terms of **EU citizens' security**: legislations on registration, licencing and marking of firearms, deactivated firearms, alarm weapons and replicas affect the vulnerability to criminal activity and have an impact on the overall level of security of the EU; there is evidence of several cases of conversion of alarm weapons, reactivation of deactivated firearms and risks implied by replicas and their use for intimidating purposes.
  - **Law enforcement across MS and traceability**, based on the evidence that the enforcement of the EU legislation can be complicated and affected by the differences in rules, and by the possible gaps in legislation in some MS (failures in the permanent deactivation of firearms and/or all their components, circulation of non-marked parts, exclusion from the scope of the firearms legislation of weapons, which proved to be convertible).
- **Economic impacts**, administrative and implementation costs, including:
  - Functioning of the **internal market and competitive position of individual MS**: an EU intervention can have a direct impact on the production and trade of alarm weapons and replicas (e.g. if proof tests on alarm weapons and replicas are introduced, as condition for their placement on the market), whereas differences in national legislations can impact the EU producers and economic operators across the MS and prevent the correct functioning of the internal market;

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<sup>134</sup> SEC(2009) 92.

- Competitiveness of the EU as compared to Third Countries and impact on import-export flows<sup>135</sup>;
  - **Administrative burden** placed on users, MS authorities, producers and traders, due to the introduction of information obligations<sup>136</sup>;
  - Moreover, the **one off investments and (recurrent) operating costs** for the implementation of the new system for authorities, producers and users are considered.
- **Impacts on Fundamental Rights**, by taking into account:
    - Right to liberty and security (Art. 6);
    - Freedom to conduct a business (Art. 16);
    - Protection of personal data (Art. 8)<sup>137</sup>.

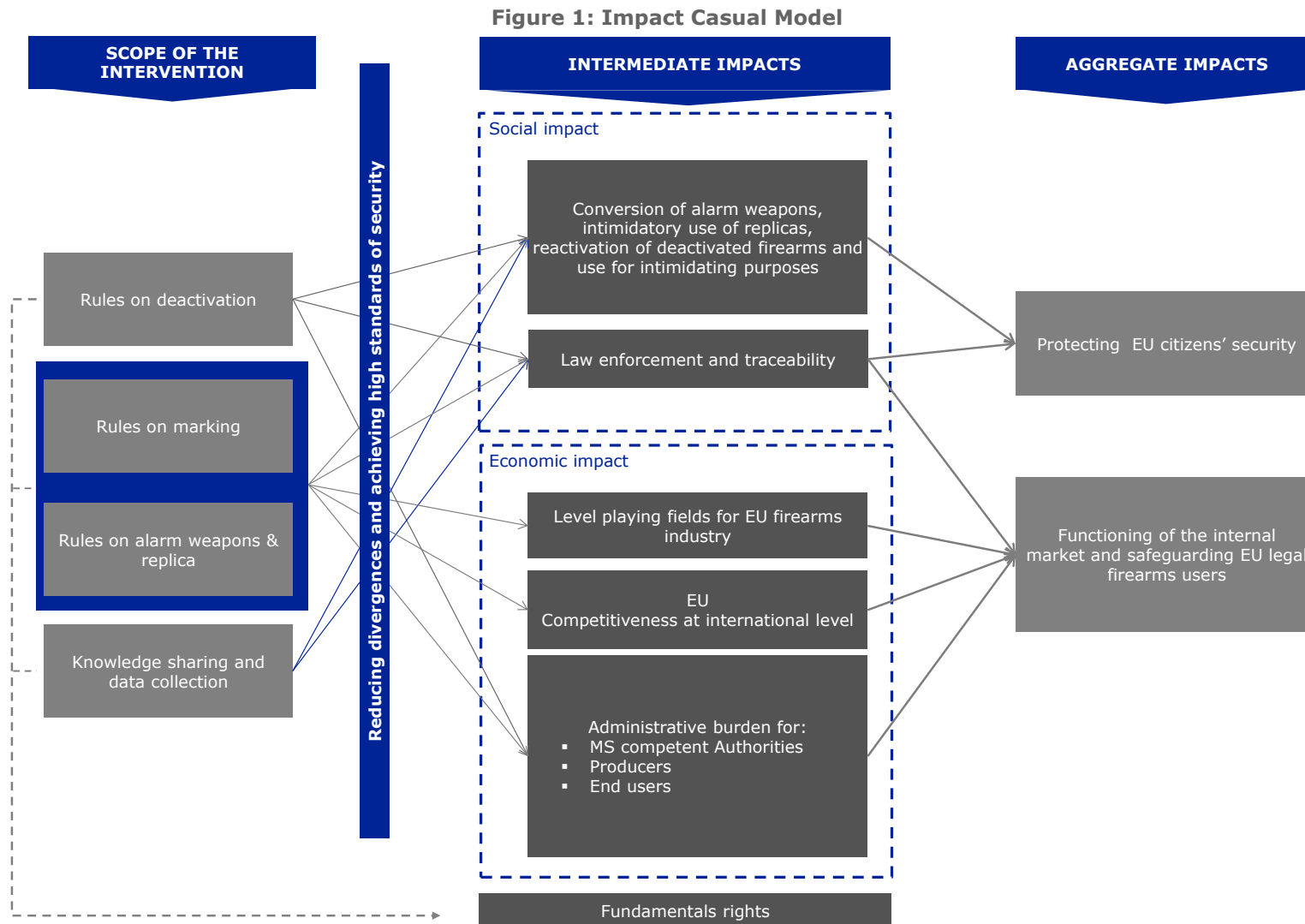
The link between the areas of intervention of the policy options and the possible impacts are represented in the Impact Causal Model, shown in Figure 1 below.

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<sup>135</sup> It is worth noting that the overall economic impacts in terms of EU competitiveness are indirect effects depending on a set of elements and only for a small part on the EU initiative, which can only contribute to creating a level playing field for economic operators. Therefore, for each policy option, this effect will be estimated at an aggregate/general level.

<sup>136</sup> Administrative costs are intended as the information costs incurred by the different stakeholders involved (enterprises, the voluntary sector, public authorities and citizens) in fulfilling information obligations introduced by the legislation.

<sup>137</sup> All the articles above are referred to the European Charter of Fundamental rights.



This set of impacts will form the basis for the assessment of each policy option and the comparison of the options against each other.

## 4.2 Assessment of the impacts

This section presents the assessment of each policy option identified with respect to the set of criteria described above and formulates a judgment on the expected success of each of them. This analysis will form the basis for the comparative assessment and ranking of the various policy options.

The assessment of policy options is carried out with respect to the policy objectives, the difficulties and risks for the transposition of the policy measure and the expected impacts.

More specifically, the assessment criteria are aggregated with respect to three main dimensions:

- **Relevance:**
  - Increase the level of **EU citizens security**;
  - Efficient and effective implementation of the EU legislative framework:
    - Avoiding the emergence of vulnerabilities, safeguarding the effective monitoring of the EU, as a borderless community, and make certain the enforcement of law provisions, as mentioned in 2.3;
    - Ensuring the functioning of the EU internal market, 2.4.
- **Feasibility (Transposition and compliance aspects)**, specifying political acceptability and feasibility of the proposed policy implementation, based on the difficulties/risks for transposition and considering changes/implementation costs entailed by the policy options;
- **Main impacts**, i.e. the shortlist of impacts presented above including social and economic impacts, and impacts on fundamental rights (par. 4).

The assessment is based on the information collected to the purposes of the problem definition, by pointing out the likely effects that a change of the current framework would have on the problems identified. In order to provide an assessment as complete as possible, the stakeholders' views and opinions are integrated in the assessment of each policy option<sup>138</sup>.

The assessment tables also outline the extent of the administrative and implementation costs that are likely to arise from the implementation of the policy options. This assessment has been carried out mainly on a qualitative basis, by taking into account the extent of the changes that would be implied by the implementation of each policy option, as compared to the status quo.

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<sup>138</sup> The stakeholders' opinions have been collected with the second stakeholders' consultation (see Annex 2.3), during the field research activities (the interviews carried out in the first phase of the study), and the discussion held in the two meetings of the Task Force of Experts on Firearms, where the progress and the results of this impact assessment study have been presented (respectively on December 10<sup>th</sup> 2013 and 27<sup>th</sup> May 2014).

The differences and specificities of the situations which can be produced by each policy option prevented the possibility for providing reliable quantitative estimates on some aspects. These constraints are detailed with reference to each option.

Hypotheses of quantification of the administrative costs are also reported, in order to provide an estimate of the extent of the burdens placed<sup>139</sup>.

The following paragraphs describe the assessment of each policy option, according to a ranking which considers the positive (✓) and negative (-) impacts, and neutral ones (0), for each of the assessment criteria considered. When a rating is placed between brackets, this indicates that the impact is hypothetical or depends on other factors, external to the scope of the policy option concerned.<sup>140</sup>

In some cases, both kinds of impacts could be indicated (e.g. a ranking expressed as: ✓✓✓✓/ - -) since positive and negative impacts could be incurred (benefits for MS and costs due to the implementation of different procedures). In particular, in the case of "Administrative and implementation costs", the minus sign (e.g. ---) represents costs incurred.

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<sup>139</sup> Administrative costs have been estimated by using the EU Standard Cost Model. More details on the calculation are in 4.3.1 and Annex 4.

<sup>140</sup> For example, when a stronger positive effect could be achieved through the implementation of other policies and measures foreseen in the field or when it depends on the discretion of MS authorities (e.g. in the event of soft law option).

#### 4.2.1 Policy option 1: Status quo

Policy option 1 - Status quo		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
<b>Relevance with regard to general and specific policy objectives</b>		
Increase the level of EU citizens' security	0/ -	<p>Some "<b>weak points</b>" exist in the regulation of deactivation, alarm weapons and replicas, and the marking of firearms. In particular, the lack of common deactivation standards, of common methods to judge the convertibility, and of common marking standards are all elements that leave space to criminal activities and <b>security risks at the national and regional level</b>.</p> <p>The removal of border controls within the EU and the increasing intra-EU mobility imply that risks produced at national level can easily become <b>risks for the EU as a whole</b> (e.g. firearms not properly deactivated in a MS can easily be used in another MS).</p> <p>Some MS are undertaking individual initiatives to protect the security of citizens (LT, SE); however, the results could be not evenly distributed: since the introduction of new measures would depend on the initiative of each MS, no harmonization would be achieved; and weak points in the EU as a whole could still remain</p>
Efficiently and effectively implementing the EU legislative framework	-	<p>A high <b>level of differentiation</b> is recorded among MS as relates the definition of alarm, signal weapons and replicas, to the procedures and standards for deactivation, and to the definition of deactivated firearms.</p> <p>Moreover, the <b>shortcomings</b> pointed in par. 2.3 in the implementation of the Firearms Directive will continue. For example, some MS make no assessment of what items which are close imitation of modern weapons can be converted into firing live ammunition, or do not treat certain alarm weapons as firearms, even though law enforcement in other MS has proved that those weapons are convertible (e.g. alarm weapons acquired in LV and converted in LT, where they were banned). Some cases (e.g. FI, SE) challenged the effectiveness of deactivation procedures, by pointing out the possible risks due to the use of not deactivated components for illicit manufacture or reactivation of firearms.</p>
<b>Transposition and compliance aspects</b>		
Difficulty/risks for transposition	N/A	N/A
<b>Social impacts</b>		
Conversion of alarm weapons, intimidatory use of replicas, reactivation of deactivated firearms and use for intimidating purposes	0/-	<p>Cases of <b>conversion of alarm weapons</b> are quite widespread across the EU MS. As pointed out in par. 2.2, the majority of MS have been involved in cases of weapons conversion, at least in the past. Security issues are also witnessed by several MS in relation to the <b>intimidatory</b> use of alarm/signal weapons and of replicas, and the risks of <b>reactivation</b> of firearms or the use of components of firearms not properly deactivated. Further security issues can be traced back to <b>new threats</b> implied by the technological uptake, such as 3D printings, and internet sales of weapons and components.</p>
Law enforcement and traceability	0/ -	MS implement the Firearms Directive using different legal approaches, for instance on licence requirements and registration of alarm or signal weapons, of replicas and



Policy option 1 - Status quo		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
		deactivated firearms. These represent a significant complicating factor for law enforcement across the national boundaries. Moreover, differences in legislations and standards on marking may pose potential issues in terms of traceability of essential components and circulation of parts with no marking.
Economic impacts, administrative and implementation costs		
Level playing fields for EU firearms industry	-	<p>The fragmentation of the existing legal framework creates several obstacles for EU producers. These obstacles were pointed out by several stakeholders during the field phase, and they can be traced back to the following two points:</p> <ul style="list-style-type: none"> <li>• uncertainty and lack of clarity as to which rules apply to alarm weapons and replicas (i.e., in some MS alarm weapons and/or replicas are considered as firearms and in some others can be bought on the market with no license); and</li> <li>• disadvantages for producers subject to stricter rules, as compared to other MS (e.g. in Italy signal weapons are considered as firearms and their production, import and export are subject to the permit and licensing requirements of firearms; in other MS signal weapons can be subject to less strict regulations, with a consequent advantage for the producers).</li> </ul> <p>These obstacles appear to concern only few MS: the production of alarm/signal weapons appear to be concentrated in few MS, with Italy and Germany being major manufacturers, producing around 230.000 units per year, out of which about 30% is exported outside the EU. Alarm weapons produced represent a small share (around 11%) of the overall production of firearms in the EU, but they are still a significant part of European weapons manufacture.</p>
EU Competitiveness at international level	0/-	<p>The lack of common standards on alarm weapons (in terms of construction materials and technical specification) can partly affect the competitive positioning of the EU: while the national legislation of some MS (IT and DE) places on producers the obligation of proof tests before their placement on the market (with the related increase in the production costs), proof tests are not necessarily executed by third country producers (the tests are executed by the importers). As echoed in meetings and interviews, European producers suffer from a disadvantaged positioning as compared to Turkey, the main competitor for EU manufactures, which relies on low prices (estimated at an average price of 15€, as compared to the 30€-20€ of German and Italian alarm weapons) and "good" construction materials. Finally, several inefficiencies can affect the functioning of the EU internal market; an example, is the execution of the tests on imported weapons, even if they have already been tested in another MS, with a duplication of the efforts and costs.</p>
Administrative and implementation costs		
Administrative burden for: <ul style="list-style-type: none"> <li>▪ MS competent Authorities</li> <li>▪ Producers</li> </ul>	0	<p>One of the effects of the current fragmentation of the legal framework is the creation of <b>differences also in the administrative burden across the MS</b>. The administrative burden can arise in relation to the several elements:</p> <ul style="list-style-type: none"> <li>• <b>Marking</b> - According to the Firearms Directive</li> </ul>

Policy option 1 - Status quo		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
<ul style="list-style-type: none"> <li>End users</li> </ul>		<p>marking shall be affixed to an essential component of the firearm, the destruction of which would render the firearm unusable. Depending on the national requirements on the marks affixed by producers and on the safety tests, the burden across MS can be different and differently affect producers, authorities and retailers.</p> <ul style="list-style-type: none"> <li><b>Deactivation</b> – depending on the registration requirements for deactivated firearms (domestic or imported), and the authorities involved in the procedure.</li> <li><b>Registration and licensing requirements for alarm weapons and replicas.</b> In some MS where alarm/signal weapons and replicas are included in the firearms legislation, several costs are associated with proof tests and licence requirements (for possession and export). For example, in Italy, the price of the Italian national Proof House for testing a signal weapon (a compulsory procedure) is €5.50, which for the cheapest model can correspond to 20% of the total price. In addition to the fee, costs related to the information exchange between producers, the authority in charge of the test and marking, and other public authorities involved in the registration of the firearms should be added (in terms of time devoted in the execution of these procedures).</li> </ul> <p>All these elements prevent the creation of equal conditions for European producers and traders, and imply different levels of burden for National authorities.</p>
Additional recurrent and non-recurrent start-up costs (one off) for administrations/authorities connected with the implementation of the new legislation/system, at MS and EU level	NA	NA
Impacts on Fundamental Rights		
Impacts on Fundamental Rights	0/-	<p>The right to security (art. 6) could be partly limited by the exposure of EU citizens to security risks due to the conversion of alarm weapons and replicas, to the circulation of deactivated firearms with different standards of security. Moreover, The right to conduct a business (art. 16) could be differently granted across MS: in some MS economic operators could be faced with more stringent rules for the production and commercialization of alarm weapons and replicas (treated as firearms in the scope of the Directive), with a disadvantage as compared to MS where these weapons are exempted from the rules applied to firearms.</p>

Policy option 1 - Status quo		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
Stakeholders opinion		<p>Every country has a different approach to weapons. It is assumed that a Directive establishes an objective to be achieved and that each MS has the opportunity to apply it in accordance with their National rules and preferences.</p> <p>In this perspective, the Firearms Directive is generally considered a valid instrument, whereas a new legislation on the matters concerned by this IA is not considered a urgent issue.</p> <p>There is a preference for an EU database for firearms, alarm weapons and replicas, their manufacturers, owners, lost and stolen reported and destructed weapons. This should cover the administrative lifespan of weapons and thus improves security regarding the distribution of firearms, investigations and tracing capabilities. In addition, central record keeping of end user certificates is expedient</p> <p>The need for strengthening information collection is also taken into account in sub-option 2C, whereas the possibility for keeping track of deactivated firearms is included in the Policy Option 4.</p> <p>It should be mentioned that complete information systems for collection of information on firearms and record keeping are going to be implemented in the different MS, based on the requirements of the Directive (art. 4). The costs for the implementation of these systems in each MS should be further investigated and they are likely to be very different (depending on the system currently in place in each MS, the different government levels that need to be connected, etc).</p> <p>As regards the electronic issuance and exchange of documents and licenses, an example is provided by the Italy, where an information system for the collection and sharing of information among producers and authorities is underway, with the aim of facilitating the request and issuance of administrative documents. The cost is significant and around 630.000€.</p>

#### **4.2.2 Policy option 2: (Non legislative option) EC Recommendations promoting common minimum standards and cooperation among MS**

This policy option is aimed at enhancing a common understanding of the legal framework applicable to the marking, deactivation and destruction of firearms, and to alarm weapons and replicas. The option would also enhance administrative cooperation to facilitate the law enforcement and the cooperation across MS. This option can be implemented through three sub-options:

- 2.A: Recommendations on common minimum standards on marking (by strengthening and approximating the rules on components to be marked, security of marks and ensuring that unmarked weapons do not enter the market), deactivation and destruction (by enforcing common standards and inviting MS to keep track of deactivated weapons);
- 2.B: Guidelines and sharing of information on convertibility of weapons;
- 2.C: Enhancing knowledge sharing, data collection and reporting.

The Policy option 2 focuses on building common standards and procedures on deactivation and marking, enhancing a shared understanding of convertibility and improving cooperation.

On the one side, the correct application of the EU legislative framework, and an improved cooperation and exchange of information among MS would create the basis for a better safeguard of EU citizens' security and overcome vulnerabilities in some MS that, in turn, affect the entire EU. Shortcomings in the implementation of the EU legislation at national level would be addressed (i.e. application of a shared understanding of convertibility of weapons, standards ensuring the permanent deactivation of firearms, marking of all essential components and better guarantees that unmarked firearms are not allowed to circulate).

Stakeholders confirmed these possible positive impacts, with a consensus on the need for harmonization throughout the EU. Moreover, moderate difficulties or risks of transposition would be envisaged, since this policy option would not entail legislative interventions and MS would have discretion on how to adapt the national rules to the common minimum standards and recommendations delivered through this policy option.

On the other side, the overall impact of this option is expected to be limited: the differences among MS in terms of marking, deactivation and destruction procedures and in rules applied to deactivated firearms, alarm weapons and replicas are expected to be approximated only to a limited extent, and the different legal approaches to these issues would continue.

The detailed impacts (included the possible costs) implied by the implementation of this policy option depend on the single sub-options. Their assessment is presented in the table below.

#### **Sub-option 2.A – Recommendations on common minimum standards on marking, deactivation and destruction**

<b>Sub-option 2.A – Recommendations on common minimum standards on marking, deactivation and destruction</b>		
<b>Assessment Criteria</b>	<b>Rating</b>	<b>Motivation of the rating and aspects of the policy option necessary to achieve the impact</b>
<b>Relevance with regard to general and specific policy objectives</b>		
Increase the level of EU citizens' security	√√	<b>Positive impact:</b> the adoption of <b>common standards on deactivation and the definition of procedural aspects</b> (i.e. competent authorities in charge of the control) would help in ensuring that deactivations are correctly implemented across different MS. Cases of reactivated firearms, or use of their components to reactivate or build a weapon would be put under control and would be more likely to be limited.  At the same time, common rules on marking procedures would improve the traceability of firearms, and their essential components, by facilitating the law enforcement.
Efficiently and effectively implementation of the EU legislative framework	√√	<b>Positive impact:</b> this sub-option would address some shortcomings in the implementation of the EU legislation noted in the problem definition, i.e. issues which can arise from the improper deactivation of firearms and components. Moreover, recommendations on marking rules would reinforce the effective implementation of the requirements of the Directive, and further limit the risks that unmarked weapons enter the market/circulate across the EU.

<b>Sub-option 2.A – Recommendations on common minimum standards on marking, deactivation and destruction</b>		
<b>Assessment Criteria</b>	<b>Rating</b>	<b>Motivation of the rating and aspects of the policy option necessary to achieve the impact</b>
<b>Transposition and compliance aspects</b>		
Feasibility	√√	<b>Limited difficulties or risks of transposition:</b> this sub-option would not impose any additional legislative interventions and MS would have complete discretion on whether to adapt to the common minimum standards delivered through this sub-option. Technical procedures for both deactivation and marking adopted by MS are different and well-established. Nevertheless, the field research pointed out how the need for establishing common deactivation procedures is one of the most urgent issues claimed by MS when it comes to possible improvements of the EU legislation on firearms.
<b>Social impacts</b>		
Conversion of alarm weapons, intimidatory use of replicas, reactivation of deactivated firearms and use for intimidating purposes	√	<b>Positive impact:</b> Criminal activity linked to the <b>reactivation of deactivated firearms</b> could be reduced by the adoption of common and high technical standards, ensuring that firearms and all their components are rendered permanently unfit for use. Moreover, promoting the clear identification of competent actors and authorities involved in the process could improve the control of the procedure and limit the space for criminal diversion of firearms during the deactivation process (cases involved SE, IT).
Law enforcement and traceability	√√√	<b>Positive impact:</b> law enforcement would be facilitated and enhanced by the <b>improved tracking of deactivated firearms</b> and the improved <b>enforcement of marking requirements</b> (through better rules on components to be marked, security of marks and controls that all firearms are marked).
<b>Economic impacts</b>		
Level playing fields for EU firearms industry	0	<b>No impact:</b> marking techniques would remain a prerogative of producers (to be adapted to the type of weapons, the size of production, etc), whereas the recommendation would only promote the correct application of already existing marking rules (i.e. mark of all the essential components, as already required by the UN protocol, and apposition of secure marks). Therefore, producers would not be affected by changes.
EU Competitiveness at international level	0	No impact is expected (see above).
<b>Administrative and implementation costs</b>		
Administrative burden for: <ul style="list-style-type: none"> <li>MS competent Authorities</li> <li>Producers</li> <li>End users</li> </ul>	0/-	<b>Negligible administrative costs for MS authorities related to the registration of deactivated firearms:</b> the new requirements for deactivation and record keeping would probably entail additional costs for MS competent authorities responsible for the registration of deactivated firearms. However, with reference to the needs for registering deactivated firearms, data on the deactivation procedures shows that these are a very limited number. Since also the amount of a public official's time required to fulfil with the new registration requirements is likely to be very limited, the overall additional costs are expected to be not relevant (e.g. SE is an example of MS where deactivated firearms are registered, with small consequences in terms of administrative burden).
Additional recurrent and non-recurrent	- - -	<b>Moderate costs for MS authorities and economic operators:</b> with reference to the recommendations on marking, the costs are difficult to be estimated, as their relevance would strongly

<b>Sub-option 2.A – Recommendations on common minimum standards on marking, deactivation and destruction</b>		
<b>Assessment Criteria</b>	<b>Rating</b>	<b>Motivation of the rating and aspects of the policy option necessary to achieve the impact</b>
start-up costs (one off) connected with the implementation of the new legislation/system, at MS and EU level		depend on the rules already in force at MS level. No major impact is expected in MS that are part of the CIP: in these MS, firearms are subject to proof tests and related marking procedures before the placement on the market. The controls executed by the Proof Houses represent (or can represent) a further element ensuring that only marked firearms are allowed to circulate. The other MS should implement rules and procedures to verify that firearms produced/entering the national market respect the rules on marking. However, since the marking of all essential components is already a binding rule, verifying that marks are placed on the firearms is part of the regular control procedures executed by national authorities on firearms entering the market, and are not expected to place an additional burden, which can be directly traced back to the present option.
<b>Impacts on Fundamental Rights</b>		
Impacts on Fundamental Rights	√/0	<p><b>Positive impact</b> would be obtained for citizens and enterprises in terms of right to liberty and security (Art. 6) and freedom to conduct a business (Art. 16).</p> <p>On the one hand, risks due to the circulation of not marked firearms and spare components, and deactivated weapons with different standards of security would be reduced, with positive effects on the security of citizens. On the other side, the approximation of rules on marking would further harmonize the rules for producers and traders across different MS.</p> <p>No relevant effect would be produced on protection of personal data (Art. 8), generally arising when systems for the collection of data and information are established.</p>
<b>Stakeholders opinion</b>		<p>The general consensus was that common minimum standards would help to bring the MS to the same level across the EU through harmonizing various procedures and thus improving communication and facilitating law enforcement. Crime would be reduced, as the application of common minimum standards would help tackle the illegal trade of spare parts and prevent the use of illegally reassembled and converted firearms. However, stakeholders voiced concerns that such recommendations are not always followed by all MS, and that in order to be effective such standards should be binding; otherwise, non-binding regulations bring little added value. Furthermore, the recommendations must be in line with the International Small Arms Control Standards.</p> <p>An additional concern was raised as to whether some MS will introduce "higher" standards rendering the attempt at harmonization redundant. For example, the UK currently has strict deactivation standards, however the country is already facing problems with items being imported from Europe that are deactivated, but to a lower standard.</p> <p>Finally, a small number of stakeholders consider the standards to be irrelevant, and believe that the Firearms Directive is already clear on marking. In their view, there is only a need to publish the technical guidelines on deactivation procedures according to the Firearms Directive.</p>



## Sub-option 2.B – Guidelines and sharing of information on convertibility of weapons

Sub-option 2.B – Guidelines and sharing of information on convertibility of weapons		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
<b>Relevance with regard to general and specific policy objectives</b>		
Increase the level of EU citizens' security	√√√	<b>Positive impact:</b> as discussed in par. 2.2, in the absence of defined criteria and common methods to assess the convertibility of weapons, several cases of converted weapons have been recorded across EU MS. In this perspective, the adoption of common criteria for the classification of replicas and alarm weapons and a better communication among MS would directly enhance EU citizens' security, by limiting the circulation of items with low level of security that can be easily converted.
Efficiently and effectively implementation of the EU legislative framework	√√	<b>Positive impact:</b> <ul style="list-style-type: none"> <li>Differences in the definition of alarm weapons and replicas would be reduced by the creation of guidelines or glossaries providing methodologies and indications on the convertibility of alarm weapons and replicas;</li> <li>A clearer framework for the classification of alarm weapons and replicas would support the border police forces and the law enforcement authorities when dealing with cross-border cases;</li> <li>A common understanding on rules to be applied to alarm weapons and replicas, depending on their convertibility, would contribute to limit the obstacles faced by economic operators, in relation to the different interpretations and consequent requirements at the national level.</li> </ul>
<b>Transposition and compliance aspects</b>		
Feasibility	√√	<b>Moderate difficulties or risks of transposition:</b> this sub-option would provide guidance on rules to be applied (with benefits for both MS authorities and economic operators), and it does not impose any additional legislative interventions. Nonetheless, given the high level of fragmentation in terms of regulations and processes across the EU at this regard, there might be some difficulty in adapting different legal approaches to common criteria and rules.
<b>Social impacts</b>		
Conversion of alarm weapons, intimidatory use of replicas, reactivation of deactivated firearms and use for intimidating purposes	√√√	<b>Positive impact:</b> Risks of conversion of weapons would be strongly limited by the adoption of common minimum criteria and methodologies for assessing the risks. As a consequence, the access to convertible weapons would be restricted.
Law enforcement and traceability	√√	<b>Positive impact:</b> Both the establishment of common criteria and the exchange of information among police officials of different MS on convertible weapons would greatly facilitate law enforcement across MS. This sub-option would contrast cases of convertible weapons acquired in a MS where are exempted from license requirements, and introduced in another one MS where are banned (for example, even if alarm weapons have been banned in LT, they can be easily acquired in LV, a circumstance which jeopardizes the more restrictive measures taken in the first MS)

<b>Sub-option 2.B –Guidelines and sharing of information on convertibility of weapons</b>		
<b>Assessment Criteria</b>	<b>Rating</b>	<b>Motivation of the rating and aspects of the policy option necessary to achieve the impact</b>
<b>Economic impacts</b>		
Level playing fields for EU firearms industry	√√√/-	<p><b>Positive impact:</b> The trade of alarm weapons and replicas would be simplified by the clarification of the criteria for their classification, whereas the production and circulation of non-convertible weapons, respecting the standards defined, would be strongly enhanced.</p> <p><b>Negative impact:</b> The definition of common criteria on convertibility could also entail the inclusion of weapons, which are currently freely marketed, in the scope of the Firearms Directive; the introduction of the related license and registration requirements would, of course, have a negative impact.</p>
EU Competitiveness at international level	(√)	<p><b>Possible positive impact:</b> The main European producers, Germany and Italy, put in place a structured system in order to judge the convertibility of alarm weapons, based on technical criteria and proof-tests. Based on that, the European production is likely to gain a competitive advantage, as compared to other products imported from Third countries that, according to the findings of this study, seem to be easily convertible (e.g. Turkish alarm weapon).</p>
<b>Administrative and implementation costs</b>		
Administrative burden for: <ul style="list-style-type: none"> <li>MS competent Authorities</li> <li>Producers</li> <li>End users</li> </ul>	-	<p><b>Negligible administrative costs for MS authorities:</b> Information obligations would arise when a convertible weapon is detected in a MS. The national authorities would be therefore asked to communicate with the authorities of the other MS. The cases are expected to be very few in number, with related costs for MS authorities that can be considered not relevant.</p>
Additional recurrent and non-recurrent start-up costs (one off) connected with the implementation of the new legislation/system, at MS and EU level	0/- -	<p><b>Low implementation costs for MS authorities:</b> Additional costs related to this sub-option may incur for MS competent authorities to align national guidance documents to common definitions and criteria, and for training activities focused on the new standards. However, the training activities would be limited to police officials and other technical experts dealing with proof tests. Assuming that these activities are carried out once a year, an administrative cost slightly exceeding € 50.000 can be estimated across the EU (see par. 4.3.1b) and Annex 4 for details)<sup>141</sup>. These costs would be incurred in the first phases of the implementation of the new system. In the long run, the costs would be only related to the activities of knowledge sharing among MS authorities, when cases of convertible weapons are detected.</p> <p><b>Moderate implementation costs for producers and importers:</b> Additional costs may be incurred by producers and importers, who can be asked to bear the costs related to the proof tests of alarm weapons and replicas, before their placement on the market. The costs of proof tests are highly variable (depending on the type of weapon and the test executed) and can be quite significant (Italian producers estimated that this cost can account up to 20% of the market value of signal weapon). However, two</p>

<sup>141</sup> The administrative cost is estimated on the basis of the time required to the different actors involved in order to fulfil the obligations. The time spent in the fulfilment of the obligations is therefore translated in terms of cost of labour, in order to provide a quantification.



<b>Sub-option 2.B –Guidelines and sharing of information on convertibility of weapons</b>		
<b>Assessment Criteria</b>	<b>Rating</b>	<b>Motivation of the rating and aspects of the policy option necessary to achieve the impact</b>
		<p>elements let us assume that low additional costs – directly implied by this sub-option - can be expected:</p> <ul style="list-style-type: none"> <li>the test of alarm weapons is already a common practice in many MS (including the main producers, Italy and Germany);</li> <li>the overall costs will depend on the decisions taken at national level in order to judge the convertibility, where tests on a sample or a model of the weapons, instead that on individual weapons, can be envisaged.</li> </ul>
<b>Impacts on Fundamental Rights</b>		
Impacts on Fundamental Rights	√/0	<p><b>Positive impact:</b></p> <p>Positive effects would be obtained for citizens and enterprises in terms of right to liberty and security (Art. 6) and freedom to conduct a business (Art. 16). The protection of personal data (Art. 8) should be considered and ensured according to the EU regulations, when data on the owners of deactivated firearms, alarms weapons and replicas are registered.</p>
<b>Stakeholders opinion</b>		<p>Common recommendations on rules are considered important as some countries have still not properly implemented the Firearms Directive while others have different understanding of some issues (for example, the definition of replicas). To avoid criminals being able to use the different rules between MS to their advantage, there is a need for a harmonised approach across Europe.</p> <p>In general, there is some confusion regarding definitions. For example, the Firearms Directive defines a firearm as a weapon which can be converted with a view to shooting bullets. This definition is not entirely clear and one of the stakeholders' main concerns relates to the need for common definitions. In order to be effective, definitions should include more specific references to alarm weapons and other types of arms not yet well defined in the EU regulatory framework. As a solution, one stakeholder suggests the formalisation of the EFE glossary as a means to introduce common definitions<sup>142</sup>.</p> <p>An additional concern was raised as to whether MS will continue to apply different rules in spite of a common set of rules being introduced across Europe<sup>143</sup>. Although common rules are considered to be a step forward, one example is presented whereby gas/alarm pistols are banned outright in the UK and there would be no support for a relaxation of this stance, should common rules be introduced.</p>

<sup>142</sup> Reference to EFE glossary is made by Greece, answer of the MS authority; other MS referring to a glossary are Cyprus and France.

<sup>143</sup> In particular, UK and Europol.

### Sub-option 2.C – Enhancing knowledge sharing, data collection and reporting

Sub-option 2.C – Enhancing knowledge sharing, data collection and reporting		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
<b>Relevance with regard to general and specific policy objectives</b>		
Increase the level of EU citizens' security	√√	<b>Positive impact:</b> the exchange of information and evidence on cases related to new threats, such as 3D printed firearms and internet sales, would improve the understanding of these new trends and would feed evidence-based decision making processes. In a long term perspective, the exchange of knowledge and best practices on the opportunities offered by new technologies, in terms of gun safety control or tracing and record-keeping, would enhance the progressive adoption of standards and systems granting a high level of security.
Efficiently and effectively implementation of the EU legislative framework	0/√	<b>No major effect</b> will be obtained in this field. However, a better understanding of the current developments, in terms of both threats and opportunities, will have some positive effects on the ability of the EU and the MS to adapt rules and cooperation mechanisms to the evolving situations.
<b>Transposition and compliance aspects</b>		
Feasibility	√√√	<b>Moderate difficulties or risks of transposition:</b> Given the current lack of sound data on deactivated firearms, alarm weapons and replicas, the collection of such data according to common guidelines would request a significant effort by MS competent authorities and producers that might make this sub-option difficult to implement.
<b>Social impacts</b>		
Conversion of alarm weapons, intimidatory use of replicas, reactivation of deactivated firearms and use for intimidating purposes	√√	<b>Positive impact:</b> An indirect positive effect on the criminal activity related to the conversion of alarm weapons and replicas can be achieved thanks to the increased awareness of MS competent authorities on related risks and to the large amount of information available to police officials that would result in more effective preventive and corrective actions.
Law enforcement and traceability	√√	<b>Positive impact:</b> The exchange of information on illicit firearms routes and developments, or on the criminal use of the internet channel for selling firearms or firearms' components would improve the investigation capacities of national police authorities and might have a positive impact on the proliferation of illicit firearms trafficking.
<b>Economic impacts</b>		
Level playing fields for EU firearms industry	0	No relevant impact is expected in this field.
EU Competitiveness at international level	0	No relevant impact is expected in this field.

Sub-option 2.C – Enhancing knowledge sharing, data collection and reporting		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
<b>Administrative and implementation costs</b>		
Administrative burden for: <ul style="list-style-type: none"> <li>MS competent Authorities</li> <li>Producers</li> <li>End users</li> </ul>	-	<b>Moderate administrative costs for MS authorities:</b> Administrative costs, due to the introduction of information obligations, would incur for all stakeholders responsible to collect and provide data, and in particular on national <b>competent authorities</b> . The competent authorities would be required to collect statistics on the production, trade and criminal activity related to alarm weapons, replicas, deactivated firearms. Based on the assumption that this activity will be carried out once a year and can entail about 10 working days for one public official in each MS (i.e. 80 man/hours), an overall cost for EU MS equal to about € 51.000,00 can be estimated <sup>144</sup> .
Additional recurrent and non-recurrent start-up costs (one off) connected with the implementation of the new legislation/system, at MS and EU level	0/-	<b>Low implementation costs for MS authorities:</b> Non-recurrent costs would incur for MS competent authorities for the set-up of the data collection system in terms, for example, of IT infrastructure, definition of key roles and responsibilities, data collection process and efficient involvement of all stakeholders. However, as compared to the status quo, the additional costs directly implied by this policy option are expected to be marginal, based on the assumption that the national authorities and other stakeholders will make use of the existing systems for the data collection, whereas the additional costs would be limited to the need for collecting and aggregated more detailed data (i.e. the administrative costs discussed above).
<b>Impacts on Fundamental Rights</b>		
Impacts on Fundamental Rights	0	No effect.
<b>Stakeholders opinion</b>		All the stakeholders (from MS authorities, to experts and representatives of producers) consider that there is a real need to exchange information on firearms across the MS, and that this is an important issue. Moreover, cooperation should not be limited to the exchange among MS, whereas public and private stakeholders should be brought together <sup>145</sup> . Increased communication is considered essential and necessary for intelligence, joint operations and management. However, focusing on ways of sharing information via e-channels, rather than organising meetings, would be a good practice. Moreover, it should be considered that platforms where such discussions can take place already exist, both at operational level and at regulatory level, such as the working groups on the Firearms Directive, the task force on firearms chaired by DG Home. Concerning the collection of statistics, it is currently not possible to obtain a set of comprehensive statistics which present the status within the EU as a whole. Increasing the availability of data will help MS to conduct more effective research in this field and to better monitor trends in the legal and illegal trade of firearms.

<sup>144</sup> See par. 4.3.1b) and Annex 4 for details.

<sup>145</sup> Transcrime.

#### 4.2.3 Policy option 3: Legislative option– Harmonization of rules on marking

This policy option would consist of a legislative intervention aimed at increasing and homogenizing MS minimum standards related to marking of essential components. The current procedures are differentiated on the components to be marked, information present on the mark, and mechanisms to ensure that unmarked firearms are not put on the market/do not circulate. Moreover, marks are not mutually recognized among MS, with the consequent obstacles in terms of trade of firearms among MS, and possible duplications of the efforts (i.e. marks placed on firearms entering the national marked, even if the firearm has been already marked in another MS).

This option can be implemented through two sub-options:

- 3.A Mutual recognition of marks across MS;
- 3.B Unique EU marking standards.

This policy option is expected to have a positive effect on two dimensions: facilitating MS law enforcement activities and improving the traceability of firearms, and simplifying the trade of firearms across the EU, through the mutual recognition of marks.

The strengthening of rules related to the components to be marked (i.e. all essential components, in line with the UN protocol) and other aspects (such as information impressed, prevention of cases of unmarked firearms entering the market) would facilitate the MS law enforcement activities, the traceability of firearms and the control of illicit firearms trafficking in the EU. The risks related to the circulation and/or to the use of not marked parts and components of firearms could partly reduce the risks that spare parts are used for the reactivation of firearms or conversion of alarm weapons and replicas.

Moreover, the mutual recognition of marks across MS would enhance the cross-border trade in the EU and help eliminate unnecessary obstacles (e.g. additional marking placed by MS on imported firearms).

The side-effect of this policy option lies in the possible costs which could be implied. As already noticed with reference to the sub-option 2.A, MS authorities would be asked to align the current procedures to the requests of the new policy options (by making sure that all essential components are marked, that complete and comparable information is reported). Also the need for improving the enforcement of marking rules, to make sure that only marked firearms enter the market/are put in circulation, could require some adaptations in MS. However, it should be noted that the marking of firearms is already a legal obligation for MS; no additional costs, therefore, would be entailed by the policy option discussed in this report as compared to the existing rules.

The detailed assessment of the sub-option is presented in the following tables.

##### Sub-option 3.A – Mutual recognition of marks across MS

Sub-option 3.A – Mutual recognition of marks across MS		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
<b>Relevance with regard to general and specific policy objectives</b>		
Increase the level of EU citizens'	√√	<b>Positive impact:</b> a positive effect on security would be obtained through the improvement and effective enforcement of marking

Sub-option 3.A – Mutual recognition of marks across MS		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
security		rules, by ensuring that all the essential components are marked and that circulating firearms are actually traceable.
Efficiently and effectively implementing the EU legislative framework	√√√	<b>Positive impact:</b> This policy option is aimed at homogenizing the procedure of marking at EU level, therefore it is relevant and highly effective with respect to the achievement of the efficient implementation of the EU legal framework as regards this field of action.
Transposition and compliance aspects		
Feasibility	√√	<b>Moderate/High risks of transposition:</b> the different requirements applied by MS could cause concerns in terms of safety and security standards. The mutual recognition could be more difficult to be applied especially in those MS where requirements are deemed as effective and particularly secure. In this view, the acceptability of this policy option obviously depends on the need for ensuring that the highest security and safety standards are applied.
Social impacts		
Conversion of alarm weapons, intimidatory use of replicas, reactivation of deactivated firearms and use for intimidating purposes	√√/0	<b>Low positive impact:</b> The establishment of mutual recognition of marks would not have a direct high impact on the risks related to the conversion and illicit use of deactivated firearms, alarm weapons and replicas. However, the risks related to the circulation and use of not marked parts and component of firearms could partly reduce the risks that spare parts are used for the reactivation or conversion of firearms, alarm weapons and replicas.
Law enforcement and traceability	√√√√	<b>Positive impact:</b> The strengthening of standards related to the components to be marked, techniques of marking, information impressed would facilitate the MS law enforcement activities, by improving the traceability of firearms and avoiding cases of firearms, parts or components with no mark. On the other hand, the mutual trust and cooperation among MS would be further enhanced, with benefits for cross-border law enforcement.
Economic impacts		
Level playing fields for EU firearms industry	√√√	<b>Positive impact:</b> The mutual recognition of marking among EU MS would eliminate the obstacles to import/export inside the EU due to different requirements related to applied marking standards. The firearms industry, as manufacturers, dealers and retailers, would benefit from the consequent easier and faster procedures for validation of requirements and import/export authorizations.
EU Competitiveness at international level	√/0	<b>Slightly positive impact:</b> No major impact in this field is expected. However, the better functioning of the internal market (through enhanced trading conditions) would strengthen the EU market as a whole, by eliminating obstacles faced internally.
Administrative and implementation costs		
Administrative burden for: <ul style="list-style-type: none"> <li>MS competent Authorities</li> <li>Producers</li> <li>End users</li> </ul>	0	<b>No additional administrative costs:</b> This policy option would pursue a further harmonization of marking rules which are already set up at EU level (through the Directive and the UN protocol), without adding information obligations. Therefore, it is not expected to have significant additional administrative costs for authorities or producers. On the contrary, a simplification of the cross-border movements of firearms would be obtained, due to the harmonization of

Sub-option 3.A – Mutual recognition of marks across MS		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
		information recorded and techniques for marking.
Additional recurrent and non-recurrent start-up costs (one off) connected with the implementation of the new legislation/system, at MS and EU level	0/- -	<p><b>Moderate implementation costs for MS authorities and economic operators:</b></p> <p>Costs would be related to the adoption of minimum requirements as a condition for the mutual recognition of marks. This could require initial investments by MS competent authorities and/or other bodies in charge of the marking procedures (namely, the National Proof Houses), in order to align the current standards to the new goals. These costs would be mainly limited to the drafting, adoption and circulation of guidelines on the marking standards and criteria for mutual recognition. The design of the guidelines on marking would bring MS competent authorities and/or National Proof House to design and further discuss on minimum marking requirements. As for the deactivation guidelines that are currently under discussion, common marking guidelines can be discussed within the Committee established under the Firearms Directive. This option can be an effective platform for the exchange of information and may limit the costs for MS.</p> <p>The scale of compliance costs for may vary according to the marking standards in use at national level. At this regard a partial harmonisation and mutual recognition already exists for CIP members. In this case the National Proof Houses already assure that all firearms that enter the national market are marked consistently with the information requirements included in the Firearms Directive. Whereas, in MS that are not members of the CIP, marking standards may be more differentiated (in terms of information marked and firearms to be marked). Also producers will be asked to adapt their marking procedures (in terms of information to be marked, components to be marked).</p> <p>The adoption of the new guidelines for marking will also bring moderate information costs and training costs for MS competent authorities arising from knowing and understanding the new regulatory requirements.</p>
Impacts on Fundamental Rights		
Impacts on Fundamental Rights	√√	<p><b>Positive impact:</b></p> <p>Positive effects can be assumed for firearms industry as the harmonized marking system would support the cross-border activity of economic operators (Art. 16). Also the level of security for EU citizens would be enhanced, through the expected positive impact on law enforcement and monitoring activity (Art. 6).</p>

Sub-option 3.A – Mutual recognition of marks across MS		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
Stakeholders opinion		<p>Although proof marks are primarily used to ensure user safety, they are also considered important for the tracing of firearms. Therefore, mutual recognition and harmonization across the EU would enhance both safety and security, and assist in monitoring the trade of weapons enabling MS to identify importers, exporters, transit points and routes both in the legal and illegal trade.</p> <p>While stakeholders (including both representatives of MS authorities and representatives of producers and traders) understand the importance of a mutual recognition of marks across MS, some consider the EU Firearms Directive to be already clear and strict on this issue. An effective system already exists for countries adhering to the CIP and it would be desirable for all MS to adhere to this system, though perhaps without the obligation of creating an official Proof House. Another stakeholder considers the CIP to feature state of the art techniques on deactivation and destruction of firearms and should be transposed into EU law as a common minimum standard.</p>

### Sub-option 3.B – Unique EU marking standards

Sub-option 3.B – Unique EU marking standards		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
<b>Relevance with regard to general and specific policy objectives</b>		
Increase the level of EU citizens' security	√√	See policy option 3 A.
Efficiently and effectively implementing the EU legislative framework	√√√(√)	<p><b>Positive impact:</b> the effect on the level of harmonization would be large, since a unique mark would be created, applicable in all the MS. The EU legislation would be efficiently implemented by further approximating national systems, facilitating traceability and record keeping.</p> <p>The full uniformity of national rules would further contribute to improve the efficiency of cross border law enforcement activities.</p>
<b>Transposition and compliance aspects</b>		
Feasibility	√	<p><b>Moderate/High risks of transposition:</b> the difficulties described in relation to the sub-option 3.A can be applied also to the sub-option 3.B: MS could express concerns in terms of the safety and security standards, where the EU marking defined is considered to lower the national standards in force. In other terms, the highest security and safety standards should be applied, as a condition for the present sub-option to be accepted.</p>
<b>Social impacts</b>		
Conversion of alarm weapons, intimidatory use of replicas, reactivation of deactivated firearms and use for intimidating purposes	√/0	See policy option 3 A.
Law enforcement and traceability	√√√(√)	<p><b>Positive impact:</b> the full harmonization would further strengthen the cross-border law enforcement, through the</p>



Sub-option 3.B – Unique EU marking standards		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
		benefit of a unique marking system which in turn facilitates the controls in MS, uniform record keeping systems, and the exchange of information among MS.
Economic impacts		
Level playing fields for EU firearms industry	√√(√)	<b>Positive impact:</b> As compared to sub-option 3.B, the full harmonization of marking rules among EU MS would have a positive impact on obstacles to import/export inside the EU due to different requirements. A slightly stronger positive impact, in terms of simplification and clarification of rules, can be expected.
EU Competitiveness at international level	0	See policy option 3 A.
Administrative and implementation costs		
Administrative burden for: <ul style="list-style-type: none"> <li>MS competent Authorities</li> <li>Producers</li> <li>End users</li> </ul>	0/-	See policy option 3 A.
Additional recurrent and non-recurrent start-up costs (one off) connected with the implementation of the new legislation/system, at MS and EU level	0/-	See policy option 3 A.
Impacts on Fundamental Rights		
Impacts on Fundamental Rights	√√	See policy option 3 A.
<b>Stakeholders opinion</b>		<p>Stakeholders are quite divided on the issue. As an example, one stakeholders suggests that paragraph 2 b of the Article 4 of EU Firearms Directive should be abolished: the components of the marking at manufacture should be defined and no options allowed, while requirements for marking techniques should be added<sup>146</sup>. This last opinion is shared by another stakeholder who considers the introduction of unique EU marking standards to be very effective and appropriate, under the assumption that the standards would specify where and how markings such as serial numbers would have to be recorded<sup>147</sup>.</p> <p>Others consider that state markings are sufficient<sup>148</sup>, and that while unique EU marking standards could be effective, they will probably be less appropriate for weapons produced outside the EU<sup>149</sup>. A number of stakeholders consider CIP to be sufficient, and that safety tests exist for members of the CIP and for some non-members of the committee adhering to the markings of the CIP (such as Luxembourg)<sup>150</sup>.</p>

<sup>146</sup> Finland, MS authority.

<sup>147</sup> UK, MS authority.

<sup>148</sup> SAS

<sup>149</sup> Netherlands, MS authority.

<sup>150</sup> CIP, and other MS authorities, such as Germany and France, support the validity of CIP standards.



#### 4.2.4 Policy option 4: (Legislative option) Harmonisation of rules on deactivation and destruction of firearms

This policy option entails the establishment of mandatory common standards for the deactivation of firearms together with the definition of common rules and requirements for the ownership, selling and transfer of deactivated firearms. These measures aim at strengthening security safeguards across the EU and reducing the circulation of deactivated firearms that can be reactivated.

Policy option 4 – (Legislative option) Harmonization of rules on deactivation and destruction of firearms		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
<b>Relevance with regard to general and specific policy objectives</b>		
Increase the level of EU citizens' security	√√√	<b>Positive impact:</b> Situations where firearms are not properly deactivated and are reintroduced in the illegal market would be reduced by the adoption of common and secure standards, and by the clear identification of public entities involved in the issuance of licenses or permits to legal persons or companies entitled to carry out the deactivation or destruction and in the control of the procedures.
Efficiently and effectively implementing the EU legislative framework	√√√	<b>Positive impact:</b> A substantial alignment of deactivation standards across MS would be achieved. Common technical standards together with common requirements for the ownership, selling and transfer would also enhance the law enforcement activities which would benefit from a clarification of the rules to be applied, especially when dealing with cross-border issues.
<b>Transposition and compliance aspects</b>		
Feasibility	√	<b>Low risks of transposition:</b> The introduction of common standards for deactivation would necessarily require MS to change deactivation processes in use and to adapt the national record keeping system to keep track of the deactivated firearms. No major issues in terms of political acceptability are detected, also due to the ongoing work the Commission is undertaking in strong cooperation with MS to design common technical standards for deactivation.
<b>Social impacts</b>		
Conversion of alarm weapons, intimidatory use of replicas, reactivation of deactivated firearms and use for intimidating purposes	√√√	<b>Positive impact:</b> Criminal activity linked to the reactivation of deactivated firearms would be reduced by the adoption by MS of technical standards that ensure that firearms and all their components are rendered permanently unfit for use. Moreover, as described before, the clear identification of competent authorities for the issuing of licenses/permits to legal persons or companies entitled to carry out the deactivation/destruction and for the control of the procedures would limit the space for criminals to take away firearms from the deactivation process.
Law enforcement and traceability	√√√√	<b>Positive impact:</b> The mandatory requirement for deactivating or destroying all the essential components would limit the illegal trade of parts and components which could be used to build or reactivate a firearm.
<b>Economic impacts</b>		
Level playing fields for EU firearms industry	0	No effects.

<b>Policy option 4 – (Legislative option) Harmonization of rules on deactivation and destruction of firearms</b>		
<b>Assessment Criteria</b>	<b>Rating</b>	<b>Motivation of the rating and aspects of the policy option necessary to achieve the impact</b>
EU Competitiveness at international level	0	No effects.
<b>Administrative and implementation costs</b>		
Administrative burden for: <ul style="list-style-type: none"> <li>MS competent Authorities</li> <li>Producers</li> <li>End users</li> </ul>	-	<p><b>Low administrative costs for MS Authorities:</b> for <b>MS authorities</b>, additional costs would incur in relation to the need to keep a register for deactivated firearms. The importance of these costs would strongly depend on the standards and procedures currently in use in each MS.</p> <p>As for <b>owners of deactivated weapons</b>, costs would be due to the obligation to register deactivated firearms and to communicate to relevant authorities the possible transfer or selling of deactivated firearms owned.</p> <p>The lack of data on the number of deactivated firearms circulating in the EU and on the number of deactivation procedures annually executed in the EU are all factors which make any quantification challenging and hardly reliable. Based on the available evidence, on the one hand, given that in the majority of MS deactivated firearms are not considered as firearms and thus they are not recorded and can freely circulate, this sub-option would generally increase the administrative burden related to registration and licensing in the majority of the MS.</p> <p>On the other side, however, the number of deactivated firearms appear to be quite low, as compared to firearms produced and/or tested in the EU (from 300 cases yearly registered in Romania, to more than 1.000 cases in Poland). Therefore, the additional costs implied by this policy option, although quite widespread across the EU, are expected to have limited impact.</p>
Additional recurrent and non-recurrent start-up costs (one off) connected with the implementation of the new legislation/system, at MS and EU level	0/-	<p><b>Low implementation costs for MS authorities:</b> This sub-option would require MS competent authorities to adjust their deactivation procedures to common standards thus involving investments to update the technical deactivation/destruction process in use.</p> <p>At MS level, the adoption of new registration requirements would also entail initial investments by MS competent authorities to align the current procedures to the new goals. However, the additional costs directly related to the implementation of the present policy option are expected to be low, since MS are already obliged to implement computerized record keeping systems (according to art. 4 of the Firearms Directive). Therefore, as far as the registration of deactivated firearms can be managed through this system, no additional (or very limited) investment is actually required.</p>
<b>Impacts on Fundamental Rights</b>		
Impacts on Fundamental Rights	√/0	<b>Positive impacts:</b> the option would act on right to liberty and security (Art. 6). No effects would be obtained in terms of and freedom to conduct a business (Art. 16), and protection of personal data (Art. 8).

<b>Policy option 4 – (Legislative option) Harmonization of rules on deactivation and destruction of firearms</b>		
<b>Assessment Criteria</b>	<b>Rating</b>	<b>Motivation of the rating and aspects of the policy option necessary to achieve the impact</b>
<b>Stakeholders opinion</b>		<p>According to the stakeholders' opinion, the reactivation of deactivated firearms is a relevant source to acquire weapons for criminal use, and loopholes arising from the differences of the national deactivation standards can be used by criminals<sup>151</sup>. Some consider the Firearms Directive to be rigorous on deactivation, and that all that is needed is a control on the application by MS and the requested technical guidelines<sup>152</sup>. However, harmonization is generally considered a priority. The following system is proposed by one stakeholder: a certificate should be issued for every deactivated weapon, and deactivation should be carried out by arms dealers in line with the legally binding standards for deactivated weapons. Governmental institutions should verify if a weapon meets the requirements for deactivated weapons, mark the deactivated weapon and issue a certificate for it. Certificates issued by different institutions of the Member States should contain the same data. The new standards for deactivated weapons should not be applied to deactivated weapons which have been deactivated before the new standards will have come into force<sup>153</sup>.</p> <p>The opinions on the treatment of deactivated weapons are different. For some stakeholders, deactivated weapons are no longer weapons and therefore beyond the controls of acquisition and ownership (provided that common rules on deactivation are in place to grant adequate safeguards). For other stakeholders, a deactivated weapon remains a weapon and is subject to the field of application of the Firearms Directive. Each country should consider this weapon as always active and rules for detention and transfer should be applied (in this hypothesis, having common standards on deactivation would be less urgent)<sup>154</sup>.</p>

#### **4.2.5 Policy option 5: (Legislative option) Harmonization of rules on alarm weapons and replicas**

This policy option aims at establishing common rules and criteria to judge the convertibility of alarm/signal weapons and replicas, and an information sharing mechanism aimed at making sure that a weapon considered convertible in a MS is classified as convertible across the whole EU. This policy option can be implemented through two sub-options:

- 5.A: Definition of common criteria on convertibility of alarm weapons and replicas;
- 5.B: Common rules regarding license and registration requirements for alarm weapons and replicas. This sub-option would also establish requirements regarding the marking and registration of these items.

<sup>151</sup> Transcrime, Lithuanian MS authority

<sup>152</sup> The European Association of the Civil Commerce of Weapons.

<sup>153</sup> Lithuania.

<sup>154</sup> This is clearly indicated in par. 2.3.2.

This policy option would directly address the issues related to the conversion of alarm weapons, a security threat supported by several documented cases (see par. 2.2.1) by establishing common criteria to assess the convertibility of weapons and restricting the circulation of those that are proved to be convertible.

The establishment of common criteria will also harmonize the classification of these items across the MS, and it will help to overcome shortcomings in the application of the directive and the exemptions to the definitions of firearms.

Moreover, the exchange of information among MS and the definition of common requirements would strongly facilitate law enforcement activities and controls. This mechanism would prevent cases related to MS that do not treat certain alarm weapons as firearms even though cases of conversion in other MS were recorded.

Finally, EU producers would benefit from clear rules and equal conditions, being subject to common requirements to ensure the non-convertibility of weapons. Therefore, also the functioning of the market for alarm weapons and replicas would be enhanced.

Possible negative impacts can be implied for European manufactures, due to the need for aligning the production standards with the criteria established to prevent the conversion of alarm weapons and replicas. However, in practical terms and comparing the changes with the status quo, these costs are expected to be limited: the main European manufactures (Germany and Italy) already put in place production standards and control/testing procedures aimed at excluding the conversion of alarm/signal weapons, exempted from the requirements of the Directive.

On the contrary, major administrative costs would be placed on MS authorities and end-users, should ownership licenses and registration requirements be applied (sub-option 5.B).

#### **Sub-option 5.A – Definition of common criteria on convertibility of alarm weapons and replicas**

<b>Sub-option 5.A – Common criteria on convertibility of alarm weapons and replicas</b>		
<b>Assessment Criteria</b>	<b>Rating</b>	<b>Motivation of the rating and aspects of the policy option necessary to achieve the impact</b>
<b>Relevance with regard to general and specific policy objectives</b>		
Increase the level of EU citizens' security	√√√√	<b>Positive impact:</b> common rules and procedures to judge convertibility would have a significant positive impact, by restricting the access to convertible weapons and limiting their criminal use.
Efficiently and effectively implementation of the EU legislative framework	√√√√	<b>Positive impact:</b> the sub-option would fill the gap left by the Firearms Directive and build a common understanding of rules which apply to alarm and signal weapons and replicas. In this perspective, this measure would contribute to overcome the current fragmentation, due to the lack of common criteria and methods for interpreting the provisions of the Firearms Directive in relation to the convertibility of weapons (i.e. the exceptions set in Annex I).

Sub-option 5.A – Common criteria on convertibility of alarm weapons and replicas		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
<b>Transposition and compliance aspects</b>		
Feasibility	√√	<p><b>Low risks of transposition:</b> although MS are characterized by different legal approaches, the clarification on which weapons should be included in the provision of the Firearms Directive will address the current difficulties and uncertainty faced by MS authorities and economic operators.</p> <p>Producers and other economic operators would be affected only in the event that a large number of models of alarms/signal weapons, which are currently outside the scope of the Firearms Directive, are classified as firearms subject to license or authorization. However, it should be noted that the major European producers, such as Germany and Italy, already adopt specific anti-conversion standards; importers and traders (dealing with firearms imported from outside the EU), rather than producers, are likely to be affected.</p> <p>Finally, consensus on this type of intervention was expressed by the different categories of stakeholders.</p> <p>Based on these considerations, no major obstacles in the implementation of this sub-option are expected to emerge.</p>
<b>Social impacts</b>		
Conversion of alarm weapons, intimidatory use of replicas, reactivation of deactivated firearms and use for intimidating purposes	√√√√	<p><b>Positive impact:</b> the threats related to the conversion of alarm weapons and replicas would be reduced by the adoption of common minimum requirements, ensuring that alarm weapons and replicas not included in the firearms legislation are not convertible in real firearms.</p>
Law enforcement and traceability	√√	<p><b>Positive impact:</b> the exchange of information on weapons that have to be considered convertible, and the definition of common requirements are elements expected to facilitate law enforcement activities and controls, especially in cross-border cases.</p>
<b>Economic impacts</b>		
Level playing fields for EU firearms industry	√√√	<p><b>Positive impact:</b> a positive impact on the licit market of weapons would be obtained. EU producers would be subject to the need for respecting common production standards, ensuring that alarm/signal weapons and replicas are not convertible. Therefore, a level playing field would be created, and weapons which respect the non-convertibility criteria could be placed on the market, without further obstacles and restrictions to the cross-border trade.</p>
EU Competitiveness at international level	√√	<p><b>Positive impact:</b> alarm weapons and replicas produced in Europe according to recognized anti-conversion standards would improve their brand in terms of safety. European weapons could gain a competitive advantage as compared to weapons coming from outside the EU not aligned with the criteria defined (e.g. a competitive advantage on Turkish alarm weapons, which are claimed to be easily convertible, could be produced).</p>

Sub-option 5.A – Common criteria on convertibility of alarm weapons and replicas		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
<b>Administrative and implementation costs</b>		
Administrative burden for: <ul style="list-style-type: none"> <li>MS competent Authorities</li> <li>Producers</li> <li>End users</li> </ul>	--	<p><b>Moderate administrative costs for MS authorities:</b> Administrative costs would be related to the need for <b>MS competent authorities</b> in relation to:</p> <ul style="list-style-type: none"> <li>Communication to the European Commission and exchange of information with other national authorities on the alarm/signal weapons and replicas tested according to the new criteria on convertibility. The exchange of information would have as object the <i>models</i> of alarm weapons and replicas that are proved to be not compliant with the agreed criteria. Information on the number of models of alarm weapons and replicas entering the EU market is not available. As an illustrative case, if we assume that 20 cases per year will arise, the administrative cost for MS authorities would be not relevant (€ 7.500)<sup>155</sup>.</li> <li>Training activities addressed to the police officials and/or the officials in charge of the proof tests. These training activities would be limited to police officials and other technical experts dealing with proof tests; assuming that these activities are carried out once a year, an administrative cost slightly exceeding € 50.000 can be estimated across the EU<sup>156</sup>.</li> </ul>

<sup>155</sup> We can assume that, per each case of convertible weapon detected, 16 working hours of a public official are needed (for receiving the notification from the bodies which executed the test, acquiring additional information on the concerned weapon, sharing the information with the EC and the other MS by filling-in forms, etc): taking into account an average hourly labour costs of € 23,7 (Hourly labour cost in EU 28, Eurostat Press Release, 27 March 2014), if 20 cases per year are detected, the overall administrative cost would be € 7.500 (20 cases x 16 hours of work x the cost of labour).

<sup>156</sup> See par. 4.3.1b) and Annex 4 for details.

Sub-option 5.A – Common criteria on convertibility of alarm weapons and replicas		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
Additional recurrent and non-recurrent start-up costs (one off) connected with the implementation of the new legislation/system, at MS and EU level	- (-)	<p><b>From low to moderate costs for economic operators:</b></p> <p>Firstly, producers will be forced to change their production standards, in order to align them with the anti-conversion criteria. Moreover, both producers and importers could be asked to borne the costs related to the proof tests of alarm weapons and replicas, before their placement on the market. However, taking into account the current situation, the additional costs are expected to be quite low, as compared to the status quo: the main EU producers and many MS already test alarm weapons and replicas before the placement on the market. Therefore, we can assume that alarm weapons and replicas produced in the EU would have already undergone proof tests, with no need for additional testing procedures</p> <p>As for imported weapons and weapons produced in MS that are not part of the CIP, additional costs would be related to the need for implementing a system to verify the convertibility of weapons according to the common criteria defined. As already mentioned, providing an estimate of the costs of proof tests is hardly feasible: testing an alarm weapon can take 1 week, and the fees applied can span from 2,5€ to more than 70€. However, the time needed and the costs are highly variable and difficult to be generalized, since they depend on the complexity of the weapon, the number of essential components, the marks already placed by the producers<sup>157</sup>.</p>
Impacts on Fundamental Rights		
Impacts on Fundamental Rights	√√	<p><b>Positive impact:</b> Positive effects would be obtained for citizens and enterprises in terms of right to liberty and security (Art. 6), freedom to conduct a business (Art. 16). As for the protection of personal data (Art. 8), issues may arise in case no specific system for the protection of personal data is included in the design of the IT systems for the exchange of all information required by the new legislation across MS.</p>
<b>Stakeholders opinion</b>		<p>Since alarm weapons constitute a vulnerable area, any improvement in marking, licensing and registering of these weapons would be considered positive and effective. In particular, more stringent obligations on the production, selling and use of alarm weapons should be introduced.</p>

### Sub-option 5.B – Common requirements regarding registration of alarm weapons and replicas

Sub-option 5.B – Common requirements regarding registration of alarm weapons and replicas		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
Relevance with regard to general and specific policy objectives		
Increase the level of EU citizens' security	√√√	See sub-option 5.A.
Efficiently and effectively implementation of the EU legislative framework	√√√	See sub-option 5.A.

<sup>157</sup> See policy option 2, sub-option 2.A.



Sub-option 5.B – Common requirements regarding registration of alarm weapons and replicas		
Assessment Criteria	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
<b>Transposition and compliance aspects</b>		
Feasibility	---	<b>High difficulties:</b> the introduction of permits and additional burdens (registration of alarm weapons and replicas, communication of transfer or selling) is likely to have a major impact on the overall demand of these items, with negative effects on the economic operators, and without distinguishing between convertible and non-convertible items.
<b>Social impacts</b>		
Conversion of alarm weapons, intimidatory use of replicas, reactivation of deactivated firearms and use for intimidating purposes	√√√√	<b>Positive impact:</b> The circulation of weapons and objects that resemble a weapon, even if non-convertible, would be further restricted. However, no additional impact would be achieved on security and risks of conversion as compared to the sub-option 5 A: the risks related to the circulation of alarm weapons and replicas should be addressed by the establishment of common criteria for judging convertibility and the related requirement for classifying as firearms those weapons which do not meet the standards. The additional requirements introduced by the present sub-option (5.B) would address alarm weapons and replicas which have been classified as non-convertible, according to the common criteria, with limited additional effects on the risks of conversion.
Law enforcement and traceability	√√(√)	See sub-option 5.A.
<b>Economic impacts</b>		
Level playing fields for EU firearms industry	√√/- -	<b>Positive impact:</b> As noticed with reference to the sub-option 5.A, a higher level of harmonization across the EU would be achieved, with positive impact on the correct functioning of the EU internal market. <b>Negative impact:</b> The introduction of a permit for the acquisition and possession of alarm weapons and replicas, regardless the risks implied by their convertibility, would strongly affect the overall demand for these products. In Lithuanian, the tenfold decrease of the demand for alarm weapons after the introduction of licensing requirements in 2011 is illustrative.
EU Competitiveness at international level	√√	See sub-option 5.A.
<b>Administrative and implementation costs</b>		
Administrative burden for: ▪ MS competent Authorities ▪ Producers ▪ End users	- - -	<b>High administrative costs for MS authorities and end-users:</b> Administrative costs would be placed on <b>end users due to the need for issuing and obtaining permits</b> (i.e. fees for obtaining a license, and time spent by users for collecting information, contacting the competent authority for the issuance of the permit, producing the requested documents and obtaining the permit), and on <b>MS authorities</b> (time for issuing of the permits). If we estimate that, each year, around 370.000 alarm weapons circulate in the EU <sup>158</sup> , these costs can be expected to be quite high.

<sup>158</sup> See par. 1.2.



<b>Sub-option 5.B – Common requirements regarding registration of alarm weapons and replicas</b>		
<b>Assessment Criteria</b>	<b>Rating</b>	<b>Motivation of the rating and aspects of the policy option necessary to achieve the impact</b>
Additional recurrent and non-recurrent start-up costs (one off) connected with the implementation of the new legislation/system, at MS and EU level	-	<p><b>Limited costs for MS authorities:</b> The current picture is quite scattered across MS, and many MS do not register these types of items. Therefore, the requirement for registering alarm weapons and replicas and changes in their ownership would entail initial investments by MS competent authorities. However, as noted for policy option 4, the additional costs directly related to the implementation of the present policy option could be limited by the possibility for integrating the registration of alarm weapons and replicas in the record keeping system requested by the art. 4 of the Firearms Directive.</p> <p><b>From low to moderate costs for economic operators:</b> See sub-option 5.A.</p>
<b>Impacts on Fundamental Rights</b>		
Impacts on Fundamental Rights	√√	See sub-option 5.A.
<b>Stakeholders opinion</b>		See sub-option 5.A.

#### 4.3 Comparison of policy options and identification of the preferred policy option

This paragraph summarizes the results of the impact assessment activities carried out for each policy option and findings of the cost benefit analysis. The ranking allows identifying the policy option that best performs in terms of:

- **Effectiveness in achieving the policy objectives** (i.e. **Relevance**) – the extent to which options affect the level of EU citizens' security and efficiently and effectively implement the EU legislative framework;
- **Feasibility** – based on the assessment of transposition and compliance aspects;
- **Social impacts** – in terms of policy impact on criminal activity, law enforcement and overall security of EU citizens;
- **Economic and financial impacts** (i.e. overall economic impacts, implementation and administrative costs);
- **Fundamental rights.**

The comparison is carried out by summarizing the positive and negative effects of all the policy options and sub-options, rated against the status quo. The scale used for the assessment of the options is the following:

Symbol	Meaning	Symbol	Meaning
- - - -	High negative impact	√√√√	High positive impact
- - -	Medium negative impact	√√√	Medium positive impact
- -	Low negative impact	√√	Low positive impact
-	Very low negative impact	√	Very low positive impact
0	No impact	0	No impact

An overall rating is, thus, assigned to each policy options and sub-option, based on a qualitative assessment of the balance between negative and positive effects. The results are reported in the table below.

**Table 8: Comparative assessment of the policy options**

Options	Relevance	Feasibility	Social impacts	Economic impacts	Administrative and implementation costs	Fundamental rights	Overall rating
<b>Policy option 1 - No policy change, baseline scenario</b>	0/-	NA	0/-	0/-	NA	0/-	0/-
<b>Sub-option 2.A – Recommendations on common minimum standards on marking and deactivation</b>	√√	√√	√√	0	<ul style="list-style-type: none"> <li>Negligible administrative costs for MS authorities related to the registration of deactivated firearms</li> <li>Moderate implementation costs for MS authorities and economic operators</li> </ul>	√/0	√√
<b>Sub-option 2.B – Recommendations and sharing of information on convertibility of weapons</b>	√√	√√	√√√	√√/-	<ul style="list-style-type: none"> <li>Negligible administrative costs for MS authorities</li> <li>Moderate implementation costs for producers and importers</li> </ul>	√/0	√√
<b>Sub-option 2.C – Enhancing knowledge sharing, data collection and reporting</b>	√√	√√√	√√	0	<ul style="list-style-type: none"> <li>Moderate administrative costs for MS authorities</li> <li>Low implementation costs for MS authorities</li> </ul>	√/0	√√√
<b>Sub-option 3.A – Mutual recognition of marks across MS</b>	√√√	√√	√√√	√√	<ul style="list-style-type: none"> <li>No additional administrative costs</li> <li>Moderate implementation costs for MS authorities and economic operators</li> </ul>	√√	√√√(√)

Options	Relevance	Feasibility	Social impacts	Economic impacts	Administrative and implementation costs	Fundamental rights	Overall rating
<b>Sub-option 3.B – Unique EU marking standards</b>	√√√(√)	√	√√√(√)	√√	<ul style="list-style-type: none"> <li>No additional administrative costs</li> <li>Moderate implementation costs for MS authorities and economic operators</li> </ul>	√√	√√√
<b>Policy option 4 – Harmonisation of rules on deactivation</b>	√√√√	√√	√√√√	0/-	<ul style="list-style-type: none"> <li>Low administrative costs for MS Authorities and owners of deactivated firearms</li> <li>Low implementation costs for MS authorities</li> </ul>	√	√√√√(√)
<b>Sub-option 5.A – Definition of common criteria on convertibility of alarm weapons and replicas</b>	√√√√	√√	√√√√(√)	√√√/-	<ul style="list-style-type: none"> <li>Moderate administrative costs for MS authorities</li> <li>From low to moderate implementation costs for economic operators</li> </ul>	√√	√√√√
<b>Sub-option 5.B – Common rules regarding license and registration requirements for alarm weapons and replicas</b>	√√√√	- -	√√√(√)	√√√/- - -	<ul style="list-style-type: none"> <li>High administrative costs for MS authorities and end-users</li> <li>Limited implementation costs for MS authorities</li> </ul>	√√	√√√

#### **4.3.1 Identification of the preferred policy option and of the form of the instrument**

On the basis of the assessment of the elaborated policy options, several elements of all the options, which act in different fields of intervention, emerge as highly effective in achieving the objectives and in terms of positive impacts, and namely the:

- Policy option 3 “Harmonization of rules on marking”, sub-option 3.A “Mutual recognition of marks across MS”;
- Policy option 4 “Harmonisation of rules on deactivation and destruction”;
- Policy option 5 “Harmonization of rules on alarm weapons and replicas”, sub-option 5.A “Common criteria on convertibility of alarm weapons and replicas”;
- Policy option 2 “EC Recommendations promoting common minimum standards and cooperation among MS”, sub-option 2.C “Enhancing knowledge sharing, data collection and reporting”.

These options cover all the different matters of concern addressed by the present Impact Assessment. The preferred policy option has been constructed tacking the most promising sub-options into account.

In particular, with reference to policy option 3, the **sub-option 3.A** “Mutual recognition of marks across MS” has been selected: although the impact of a unique EU marking (i.e. sub-option 3.B) could be comparatively more positive, this sub-option would require a preliminary harmonization of rules among MS and can be seen as a long term goal. The mutual recognition of marks across MS (sub-option 3.A) would instead represent a more feasible option and a first step in the harmonization of the requirements and the building of mutual trust among MS authorities.

The inclusion of the **Policy option 4** is aimed at strengthening the rules on **deactivation**, by promoting the adoption of common standards and procedures granting a high level of security in all MS.

With reference to the policy option 5, the **sub-option 5.A** “Common criteria on convertibility of alarm weapons and replicas”, related to the specification of **criteria** on convertibility of **alarm weapons** and replicas, has been taken into consideration, with the aim of clarifying the current EU frameworks and reducing as much as possible shortcomings in its effective implementation and the creation of vulnerabilities to the criminal activity. The sub-option 5.B would introduce additional requirements for the alarm weapons and replicas judged as non-convertible, by introducing registration and licence requirements in relations to those items. While the additional positive impact is expected to be not relevant, high costs would be introduced on different categories (from users to MS authorities and producers).

Finally, the **sub-option 2.C** “Enhancing knowledge sharing, data collection and reporting” emerges as a valid measure as well, and it appears to complement the objectives pursued at the EU level, in terms of enhancement of security and implementation of the EU legal framework. While any policy making process needs to be based on data and evidence-based information, at the moment a serious lack of detailed information exists as regards to the types of weapons produced, circulating and used for criminal purposes in the EU.

As regards the form of the instrument, the policy options based on non-legislative instruments have been discarded (i.e. the policy options 2.A and 2.B). The objectives of this initiative relate directly to achieving a level of protection of EU citizens security, by promoting the effective and harmonized implementation of rules covering all the life cycle of firearms, including alarm weapons and replicas which can be converted. Therefore, a

soft-law intervention would certainly contribute to clarify the rules already established but, due to its non-binding nature, it can be expected to have a limited overall impact on the need for addressing serious security issues, such as the conversion of alarm weapons or the reactivation of firearms.

These considerations leave the options of pursuing the objectives of this initiative through either a directive or a regulation.

Stakeholders that expressed their opinion on this point are divided in two groups equally relevant: out of 13 respondents, 6 proposed an EU Directive, 7 an EU regulation.

A **regulation focused on marking, deactivation, alarm weapons and replicas** would actually allow the full achievement of the objectives defined in terms of reduced fragmentation, divergences and uncertainty. However, issues of proportionality of the instrument would emerge: the regulation would ask for significantly revising the overall national systems and legal approaches to control and ownership of firearms, an intervention that would be hardly proportionate to the issues encountered and supported by evidence.

Rules regarding marking, deactivation, alarm weapons and replicas have been already established by the Firearms Directive, although shortcomings and differences in its implementation still exist, mainly due to the lack of clarification and detailed indications on some aspects. In this perspective, a **revision of the existing legislation** (i.e. the Firearms Directive), aimed at clarifying rules and eliminating shortcoming, in particular on the definitions and rules to be applied to deactivated firearms, alarm weapons and replicas would be an advancement in the achievement of the overall objectives, while major changes of the overall legislative framework would be avoided.

Therefore, taking into account the existing legal framework and the scale of the issues encountered, the **preferred policy option** proposed is a **revision of the Firearms Directive**, with the aim of:

- Harmonizing the rules for marking of firearms and establishing the mutual recognition of firearms marks;
- Establishing minimum common procedures and introducing registration requirements for deactivated firearms;
- Clarifying the definition of convertibility of weapons and the criteria that apply to alarm weapons and replicas;
- Promoting the improvement of statistics and knowledge sharing.
- The table below summarizes the main provisions of the preferred policy option identified, with respect to the main fields and content of the intervention.

**Table 9: Summary of the preferred Policy Option**

Main fields/ contents of the intervention	Main provisions	Policy option/ sub-option
<b>Marking of firearms</b>	The intervention would request the alignment to minimum standards on essential components to be marked, information to be recorded and verification procedures aimed at excluding/limiting as far as possible cases of unmarked firearms entering the market. The mutual recognition of MS marks would be established, provided that marks respect the minimum requirements defined.	Policy Option 3, Sub-option 3.A
<b>Deactivated firearms</b>	The intervention would specify: <ul style="list-style-type: none"> <li>- The need for aligning the national legislations to common standards for deactivation in order to guarantee a high level of security safeguards across the EU, in line with the guidelines which are going to be adopted at the EU level;</li> <li>- The national competent authorities and/or other entities which can be designated as responsible to ensure that the modifications made to a firearm render it irreversibly inoperable, in order to address potential gaps in the procedures for adequate controls;</li> <li>- The requirement for registering deactivated firearms in the national computerised record-keeping systems, as established under the art. 4 of the Firearms Directive;</li> <li>- The obligation for the owners of deactivated firearms to communicate to the national competent authority any selling or transfer of the firearms.</li> </ul>	Policy Option 4
<b>Alarm/signa l weapons and replicas</b>	The intervention would introduce: <ul style="list-style-type: none"> <li>- The need for adopting common and technical guidelines on the convertibility of alarm/signal weapons and replicas, which will be adopted by the EC and will detail the criteria which qualify an alarm weapon as convertible and, thus, in the scope of the Firearms Directive. Criteria could include the following elements: construction materials, the possibility for removing essential components, the size of the essential components, colours/components distinguishing the alarm weapons from live firearms.</li> <li>- The requirement for executing proof-tests on (models of) alarm weapons and replicas, in order to verify whether the criteria defined above are met or not;</li> <li>- An information sharing mechanism ensuring that alarms/signal weapons/replicas classified as convertible in a MS are treated as firearms also in the other MS.</li> </ul>	Policy Option 5, Sub-option 5.A
<b>Improvement of information and knowledge base</b>	<ul style="list-style-type: none"> <li>- Creation of an observatory on new technologies;</li> <li>- Improvement of the national statistics and systematic collection of data on: <ul style="list-style-type: none"> <li>o Production: collection of detailed data on production, import and export of firearms, alarm and signal weapons and replicas, through the involvement of the producers and, when relevant, of the national proof houses;</li> <li>o Ownership: drafting of detailed statistics at national level on deactivated firearms, alarm and signal weapons, replicas circulating in the MS and the number of firearms' owners;</li> <li>o Criminal offences: collection of detailed data on criminal offences committed with converted alarm or signal weapons, replicas and re-activated firearms.</li> </ul> </li> </ul>	Sub-option 2.C

**a) Anticipated impacts of the preferred policy option**

Generally speaking, the preferred policy option is intended to strengthen the harmonization and application of rules governing firearms in the EU, from marking to ownership and acquisition, to deactivation. By pursuing the harmonization and strengthening of rules, the preferred policy option is expected to have a positive effect on both the security of EU citizens and the functioning of the internal market.

The sections below will detail the expected effects along the main elements (or field of intervention) and the areas of impact of the preferred policy option.

**Reducing risks of reactivation or conversion of deactivated firearms, alarm weapons and replicas**

- The preferred policy option would establish **common criteria and methodologies for assessing the convertibility of alarm/signal weapons and replicas**. Conversion of alarm/signal weapons proved to be a serious problem in many MS, and the lack of common rules on the conditions for their registration, acquisition and possession created vulnerabilities to illicit trafficking and the circulation of unregistered weapons across the EU.
- While the Firearms Directive left the space to different interpretations of convertibility, the revision proposed would detail the **criteria and technical standards**, which alarm/signal weapons and replicas should meet to be considered as non-convertible into live firing weapons; any alarm/signal weapons and replicas not conforming to the specifications would be regulated as a firearm. To this end, several criteria could be taken into account, as minimum standards to be respected, by involving – since the beginning – the relevant experts and stakeholders at national level (MS national authorities, representatives of the National Proof Houses, and representatives of the producers).
- The overall objective pursued is, therefore, the establishment of a clear regulatory framework, ensuring that convertible weapons are regulated as firearms and restricted and, at the same time, avoiding that unnecessary burdens are placed on items that are proved to be non-convertible. The adoption of common standards for judging convertibility and the sharing of information among MS authorities will also contribute to the creation of a consistent framework at the EU level and will prevent that weapons, which have been classified in a MS using specific standards, can undermine the application of rules and/or security in any other MS.

**Improving traceability of firearms and law enforcement**

The introduction of **common standards for judging convertibility** and the consequent **common classification of alarm/signal weapons and replicas** will have an overall positive effect on law enforcement. The harmonization of rules applicable to these types of weapons and the sharing of information will create a common reference framework for MS authorities, by facilitating the related controls, at national level and, more significantly, in cross-border cases.

Moreover, the provisions of the preferred policy option on marking and on deactivated firearms will specifically address the need for strengthening law enforcement, record-keeping and traceability.



Firstly, in relation to firearms, the preferred policy option would detail rules on marking, in terms of essential components to be marked, information to be recorded, procedures to make sure that secure marks are impressed and that unmarked firearms cannot circulate.

Secondly, the legislative intervention would establish the **mutual recognition of proof marks across MS**, provided that the marks respect the minimum requirements defined, in order to facilitate uniform record-keeping systems well as the trade of firearms across the EU. For example, additional procedures (additional marks placed by other MS than those of production) would be also avoided.

Thirdly, the introduction of rules on **registration of deactivated firearms** and the **obligation for owners to communicate the transfer or selling of deactivated weapons, and the requirement for testing and marking of alarm weapons and replicas before their placement on the market** are all elements of the preferred policy option aimed at improving the record-keeping and the traceability capacity. Positive impacts on law enforcement activities would be obtained through an improved traceability of firearms and their components, and through the strengthening the control over deactivated firearms, alarm/signal weapons and replicas.

Finally, the **knowledge sharing** among MS authorities on current and future threats and the improvement of data collection systems are further elements that are expected to contribute to improvement of law enforcement capacities across the EU.

### **Improving the functioning of the internal market through the creation of a level playing field for EU producers**

The lack of common definitions across the EU and the different approaches adopted among MS as concern the authorization and rules on the acquisition of alarm/signal weapons and replicas had several consequences on the functioning of the internal market and the competitive positioning of producers operating in different MS.

Depending on the inclusion of alarm/signal weapons and replicas in the legislation governing firearms, the costs for their production and placing on the market can be highly different (in MS where alarm/signal weapons are considered as firearms, additional costs are related to transportation or export authorizations, or from bans to export towards “sensitive countries”). Moreover, several obstacles emerge in the cross-border trade of these weapons, due to the different rules and requirements applied across the EU MS. The harmonization across the EU, through the establishment of common standards and rules applying to the different types of arms, would bring clear benefits in terms of internal market functioning. Moreover, the mutual recognition of marks across MS would further simplify the cross-border trade of alarm/signal weapons and replicas, by avoiding additional procedures and costs.

#### **b) Administrative costs**

The administrative costs are those incurred by enterprises, the voluntary sector, public authorities and citizens in meeting legal obligations to provide information on their action or production, either to public authorities or to private parties: they can be estimated by using the **EU Standard Cost Model**, aimed at assessing the **cost of information obligations** imposed by EU legislation<sup>159</sup>.

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<sup>159</sup> EC, Impact assessment guidelines, 2009.

The costs are assessed in terms of time requirements placed on MS authorities and other stakeholders (i.e. economic operators, intended as manufacturers and traders, and end-users of firearms), which are implied by the specific intervention and are additional as compared to the “status quo” scenario.

To the purposes of quantification, this time requirements are translated in the working days, in order to assess the equivalent labour cost.

The time requirements and the stakeholders involved have been assessed based on the procedures and rules currently in force in the MS (as described in par. 2). However, the quantifications presented in the following paragraphs should be intended as overall hypotheses, formulated in order to estimate the scale of the possible costs, whereas the detailed burden would depend on the practical consequences of the implementation of the new measures in each MS<sup>160</sup>.

For the purpose of this impact assessment, the following costs have been assessed:

### **Administrative costs for MS public authorities**

The following activities and cost categories have been identified:

- **Communication to the European Commission and exchange of information with other national authorities** on the alarm/signal weapons and replicas tested according to the new criteria on convertibility: MS national competent authorities would be requested to communicate and exchange information in the case of alarm/signal weapons that do not meet the criteria of non-convertibility. The quantification of the overall cost would require detailed information on the number of *models* of alarm weapons and replicas entering the European market. This information is not available at the moment. However, as an illustrative case, we can assume that 20 cases per year will arise, and that 16 working hours of a public official are needed (for receiving the notification from the bodies which executed the test, acquiring additional information on the concerned weapon, sharing the information with the EC and the other MS by filling-in forms, etc): taking into account an average hourly labour costs of € 23,7<sup>161</sup>, the overall administrative cost would be irrelevant (€ 7.500).
- **Collection of statistics:** the competent authorities would be required to collect statistics on the production, trade and criminal activity related to alarm weapons, replicas, deactivated firearms. Based on the assumption that this activity will be carried out once a year and can entail about 10 working days for one public official in each MS (i.e. 80 man/hours), an overall cost for EU MS equal to about € 53.000,00 can be estimated.
- **Training activities related to the convertibility:** based on the criteria for assessing the convertibility of weapons, police officials and bodies in charge of executing the tests must be trained on the technical and procedural aspects of the new methodologies. The training activities will be addressed to technical experts on firearms and personnel already executing tests on firearms and other weapons. According to a preliminary estimate, based on the assumption that these activities are carried out once a year, and can entail up to 16 working hours of at least 5 public officers' time in each MS, the overall cost per year would amount to € 39.8160.

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<sup>160</sup> As an example, estimating how many cases of convertible weapons will be detected with the application of common criteria is hardly feasible. Therefore, the estimate provided in this paragraph is simply aimed at providing a measure of the costs that would be incurred if a hypothetical number of cases per year is detected.

<sup>161</sup> Hourly labour cost in EU 28, Eurostat Press Release, 27 March 2014.

Another obligation is related to the **requirement for registering deactivated firearms**, in the national computerised record-keeping systems, and updating the registries: MS national competent authorities would be requested to register deactivated firearms, and transfers and selling of these weapons, when communicated by the owners. Data on the deactivation procedures shows that these are a very limited number, and only limited percentages of the firearms registered/circulating in each MS. Since also the amount of a public official's time required to carry out this type of activity is likely to be very limited, the overall additional costs are expected to be not relevant. Similarly, the administrative burden for owners of deactivated firearms, due to the obligation to communicate to the national competent authorities their selling or transfer, would be marginal. Provided that IT systems allowing the communication are provided, the time needed for the fulfilment of such an administrative formality can be quantified in few hours, with costs that are not significant.

### **Costs at the EU level for the implementation of new legislation**

Marginal administrative costs would be entailed for the European Commission, due to the implementation and monitoring of the new legislation, including:

- **Activities related to the monitoring and exchange of information** on the alarm/signal weapons and replicas tested according to the new criteria on convertibility: the MS will have to communicate the results of the tests on alarm/signal weapons or replicas according to the new criteria and, in particular, the cases of "convertibility". On the EC side, a similar amount of time to that likely to be spent at MS level can be estimated (and therefore, with a cost equal to around € 7.500);
- **Monitoring and reporting activities on the implementation of the new legislation:** laying out the report on a yearly basis would request an indicative amount of 10 working days (640 man/hours), with an overall costs of € 15.100.

### **Other costs for producers and economic operators**

The producers and the economic operators involved in the import of alarm weapons and replicas will be affected by the definition of common criteria and methodologies for assessing the convertibility of weapons.

On the one hand, producers and importers will be asked to bear the costs related to the proof tests of alarm weapons and replicas, before their placement on the market. The costs of the tests can be relevant. In Italy, this cost is estimated to account up to 20% of the market value of signal weapon. However, as compared to the status quo, these costs are not expected to significantly increase: the main European producers (Italy, Germany) already test alarm weapons and replicas through the Proof Houses before their commercialization. Also, several MS on which information have been collected currently perform proof tests on alarm weapons and replicas (e.g. Spain, France, UK), produced in the MS or imported. On the contrary, the possibility for limiting the testing procedure to a model/sample of the weapon, would imply significant savings for MS where weapons undergo individual proof-tests (e.g. in the case of Italy, where more than 100.000 alarm/signal weapons are yearly tested).

On the other hand, the overall and most significant impacts on producers would depend on the changes implied by the assessment of convertibility according to the new criteria on the current classifications and definitions. Notably, producers and other economic operators would be strongly affected in the event that a large number of models of alarms/signal weapons, which are currently outside the scope of the Firearms Directive

and/or not subject to license requirements, are classified as firearms subject to license or authorization. The extent of this effect cannot be estimated at this stage, since it depends on the criteria that will be defined. However, the evidence collected in this study clearly indicates that the most of the cases of conversion appear to be related to alarm weapons manufactured outside the EU, whereas the major European producers, such as Germany and Italy, already adopt specific anti-conversion standards. Therefore, a major impact can be expected on importers and traders, rather than on producers.

Overall administrative costs implied by the preferred policy option at the MS and EU level would amount to about **EUR 123.000** (the sum of the costs described above). Annex 4 presents the details calculations, based on the standard cost model.

## 5 Monitoring and evaluation arrangements

Based on the preferred policy option identified, the list of indicators has been defined to take into account:

- Indicators on the state of implementation of the selected policy at Member State level;
- Indicators on the level of compliance with EU objectives and the expected impacts.

The main indicators and tools are presented in the table below.

**Table 10: Monitoring and evaluation indicators**

Indicators	Data collection tools and sources
<b>State of implementation and correct application of the Regulation</b>	
<ul style="list-style-type: none"> <li>• Correct/complete application of the legislation reported by relevant public officers;</li> <li>• Infringements procedures - under Article 258 of the TFEU- launched by the European Commission on the implementation of the legislation.</li> </ul>	<ul style="list-style-type: none"> <li>• Yearly reports submitted by the MS competent authorities;</li> <li>• Comparative implementation reports at EU-level;</li> <li>• Analysis of the infringements proceedings/cases reported to the Court of Justice.</li> </ul>
<b>Meeting EU objectives and of the expected impacts</b>	
<ul style="list-style-type: none"> <li>• Number of cases of converted alarms weapons and replicas;</li> <li>• Number of cases of reactivations of deactivated firearms;</li> <li>• Number of cases of reactivation or conversion of deactivated firearms, alarm weapons or replicas through spare components of deactivated weapons;</li> <li>• Number of cases of alarm weapons, replicas, parts and components of deactivated firearms used in crimes which cannot be traced back to the owner/MS.</li> </ul>	<ul style="list-style-type: none"> <li>• Statistics and monitoring figures provided by MS on the basis of the sub-option 2.C;</li> <li>• Surveys and inquiries addressed to MS law enforcement authorities;</li> <li>• Case studies on specific MS.</li> </ul>

The new/revised legislation would provide for a periodical monitoring and evaluation mechanism, by stipulating that Member States should periodically report on its effective implementation and provide the requested information to the European Commission.

The competent authorities designated under the Firearms Directive will be in charge of submitting, every year, a report to the Commission on the application of the legislation, in order to provide:

- Information on the organizational structure adopted for the implementation of the legislation (in particular, authorities and other bodies in charge of control on deactivation procedures);

- Implementation of the record keeping system and update of the registries as regards to deactivated firearms, alarm/signal weapons, replicas;
- Mechanisms for coordination and the exchange of information at the different national level (central, regional and local level);
- Statistics on production, ownership and crimes (as regards the information detailed in the sub-option 2.C);
- Training and information activities aimed at public officials involved in marking, deactivation, control that alarm/signal weapons and replicas meet the requirements defined;
- Description of the main problems arising from the application of the legislation, in terms of procedures, application, criminal activity.

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## Annex 1. Problem definition: background data

### 1.1. The firearms market

In general terms, the production of civilian firearms and other arms represents a growing market as well a considerable source of the EU internal and external trade. Although this market involves a large number of economic operators across the whole European territory, such as dealers and retailers<sup>162</sup>, it is worth noting that the production of firearms and other arms is concentrated in few MS acting as the main players: **Italy** makes the bulk of the EU manufacturer, producing around one third of European firearms (32% in 2012), **Germany** (5%) and **Spain** (3%) in value, see Table 11.

**Table 11: Production of Firearms<sup>163</sup> of major EU MS in value**

Country	Unit	2004	2005	2006	2007	2008	2009	2010	2011	2012
Italy	in '000 €	194.792	188.547	187.446	180.725	227.361	248.904	252.012	272.854	237.160
	% on EU	37%	35%	34%	32%	37%	35%	37%	40%	32%
Germany	in '000 €	151.173	162.189	175.671	96.592	86.063	158.786	56.963	37.927	37.969
	% on EU	29%	30%	32%	17%	14%	22%	8%	6%	5%
Spain	in '000 €	31.891	24.581	20.056	24.774	26.986	24.706	23.612	23.998	18.992
	% on EU	6%	5%	4%	4%	4%	3%	3%	3%	3%
France	in '000 €		12.723	12.968		9.490	14.144	14.693	17.509	16.807
	% on EU	0%	2%	2%	0%	2%	2%	2%	3%	2%
Finland	in '000 €	19.000	23.689	21.137	19.597	22.400	27.000	29.898	26.500	35.339
	% on EU	4%	4%	4%	3%	4%	4%	4%	4%	5%
UK	in '000 €	20.241	21.141	16.944	13.578	13.478	15.052	14.453	11.045	14.370
	% on EU	4%	4%	3%	2%	2%	2%	2%	2%	2%
Others MS	in '000 €	105.535	113.021	120.183	225.375	222.104	230.535	296.026	296.799	372.825
	% on EU	20%	21%	22%	n.a	37%	32%	43%	43%	51%
European Union	in '000 €	522.632	545.891	554.405	560.641	607.882	719.127	687.657	686.632	733.462

Source: EUROSTAT Prodcom database

Similar trends and patterns characterize the so called **other arms market**. In this category Eurostat data includes **spring, air or gas guns**, further to truncheons. A total production of 188€ MLN was recorded in 2012, around 25% of the size of the market of firearms, mainly

<sup>162</sup> Some MS whose production levels are not significant as compared to the main producers - such as Slovakia, Czech Republic, Austria and Poland – still have a relatively solid, often traditional, manufacturing industry. Also the retail market (retail and repair) involve a large number of dealers across the EU, even in MS where the production is almost negligible. This is the case, for example, of Poland, where dealers are estimated to account for around 500, Austria with 700 dealers, Finland where the dealers are estimated to be around 600, and France – one MS with the most important network of dealers – with sales outlets between 800 and 1.000 units. Source: COM(2012) 415 final.

<sup>163</sup> Firearms in this table are defined as the sum of the three commodity group 25401230 (Revolvers and pistols (excluding military firearms, machine-pistols, signal flare firearms, blank firers, captive-bolt humane killers, muzzle loaders, spring, air or gas weapons, imitation weapons)) and 25401250 (Shotguns, rifles, carbines and muzzle-loaders (including punt-guns, combination shotgun-rifles, sporting guns made to resemble walking sticks) (excluding military firearms))." European Union amount do not comprehend production related to Croatia.

concentrated in 3 countries which alone contribute to 89% of the European production. **Italy**<sup>164</sup>, **Spain**<sup>165</sup> and **Germany**<sup>166</sup> are the main producers, see Table 12 and Table 11.

**Table 12: Production of other arms<sup>167</sup> of major EU MS in value**

Country	Unit	2004	2005	2006	2007	2008	2009	2010	2011	2012
Italy	in '000 €		116.119	103.968	118.136	90.081	90.081	86.663	82.378	100.098
	% on EU27	n.a	67%	64%	61%	49%	56%	55%	53%	53%
Germany	in '000 €	21.433	19.943	21.159	21.910	20.853	20.853	20.439	22.204	25.640
	% on EU27	12%	12%	13%	11%	11%	13%	13%	14%	14%
Spain	in '000 €	25.334	23.560	26.681	35.275	31.394	31.394	32.454	29.860	40.830
	% on EU27	14%	14%	16%	18%	17%	19%	21%	19%	22%
UK	in '000 €	8.007	10.981	9.631	9.413	10.060	10.060	9.869	12.620	13.778
	% on EU27	4%	6%	6%	5%	5%	6%	6%	8%	7%
Others MS	in '000 €	125.226	1.692	2.104	9.322	31.775	8.619	8.316	8.669	7.749
	% on EU27	n.a	1%	1%	5%	17%	5%	5%	6%	4%
European Union	in '000 €	180.000	172.295	163.543	194.056	184.163	161.007	157.741	155.731	188.095

Source: EUROSTAT Prodcum database

Interestingly, in the last decade, when data in terms of number of units are considered (see Table 10 for firearms and Table 14 for other arms), the production of other arms **increased at a sustained and faster pace as compared to firearms production**, passing from 880 thousands units in 2004 to 2,1 million units in 2012, for a for a compound annual growth rate of the items produced in the EU equal to 11,5%.

<sup>164</sup> Among this countries, Italy is the first producer, with a total value of 100€ MLN in 2012.

<sup>165</sup> Which in 2012 produced other arms for a total value of 40 € MLN, 22% of EU production.

<sup>166</sup> PRODCOM EUROSTAT database, commodity group 25401290 "Other arms" (spring, air or gas guns and pistols, truncheons, excluding for military purposes).

<sup>167</sup> Other arms in EUROSTAT database refer to the commodity group 25401290 Other arms (spring, air or gas guns and pistols, truncheons) (excluding for military purposes).

**Table 13: Production of Firearms<sup>168</sup> of major EU MS in volume**

Country	Unit	2004	2005	2006	2007	2008	2009	2010	2011	2012
Italy	in '000	509	469	385	323	353	456	437	479	472
	% on EU	23%	26%	21%	17%	18%	21%	21%	25%	20%
Germany	in '000	330	314	350	359	548	290	298	174	425
	% on EU	15%	17%	19%	19%	28%	13%	15%	9%	18%
Spain	in '000	279	183	100	168	159	139	173	162	134
	% on EU	13%	10%	5%	9%	8%	6%	8%	8%	6%
Finland	in '000	50	66	53	46	64	68	34	57	75
	% on EU	2%	4%	3%	2%	3%	3%	2%	3%	3%
Others MS	in '000	1.016	779	984	1.044	810	1.270	1.102	1.072	1.231
	% on EU	47%	43%	53%	54%	42%	57%	54%	55%	53%
European Union	in '000	2.184	1.811	1.872	1.940	1.934	2.223	2.044	1.944	2.337
EU15	in '000	2.134	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a

Source: EUROSTAT Prodcom database

**Table 14: Production of other arms<sup>169</sup> of major EU MS in volume**

Country	Unit	2004	2005	2006	2007	2008	2009	2010	2011	2012
Italy	in '000	165	137	181	163	112	114	177	214	
	% on EU	18%	11%	14%	16%	9%	8%	8%	10%	
Germany	in '000	55				49	50			
	% on EU					4%	3%			
Spain	in '000	584	482	548	674	641	524	540	502	667
	% on EU	54%	46%	53%	64%	44%	36%	22%	32%	
UK	in '000	47	58	48	44	154	30	28	35	35
	% on EU	6%	4%	3%	15%	3%	2%	2%	2%	
Others MS	in '000	164	192	467	381	42	485	768	1.527	1.184
	% on EU	n.a	21%	39%	30%	4%	40%	51%	68%	56%
European Union	in '000	880	897	1.200	1.280	1.000	1.200	1.500	2.241	2.100

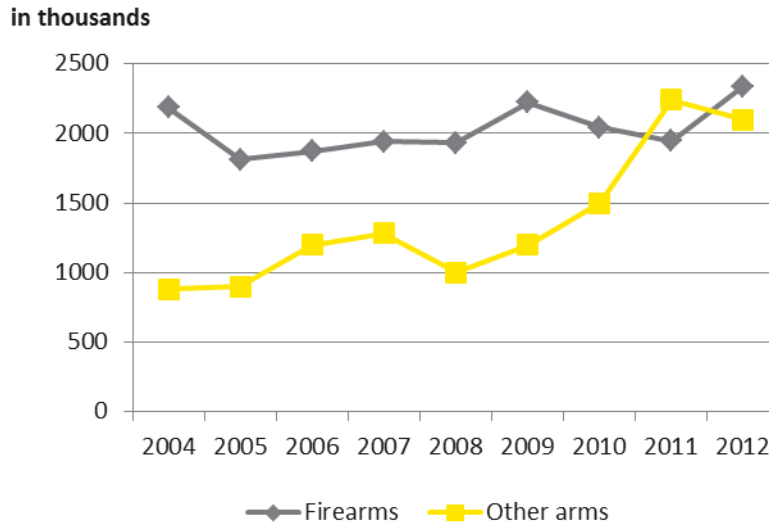
Source: EUROSTAT Prodcom database

The trend, from 2004 to 2012, is represented in Chart 3.

<sup>168</sup> Firearms in this table are defined as the sum of the three commodity group 25401230 (Revolvers and pistols - excluding military firearms, machine-pistols, signal flare firearms, blank firers, captive-bolt humane killers, muzzle loaders, spring, air or gas weapons, imitation weapons) and 25401250 (Shotguns, rifles, carbines and muzzle-loaders (including punt-guns, combination shotgun-rifles, sporting guns made to resemble walking sticks - excluding military firearms), European Union amount do not comprehend production related to Croatia.

<sup>169</sup> Other arms in EUROSTAT database refer to the commodity group 25401290 Other arms (spring, air or gas guns and pistols, truncheons) (excluding for military purposes).

**Chart 3: Other arms and firearms production in the EU from 2004 to 2012 in sold units**



Source: EUROSTAT Prodcom database

## 1.2. Firearms trade

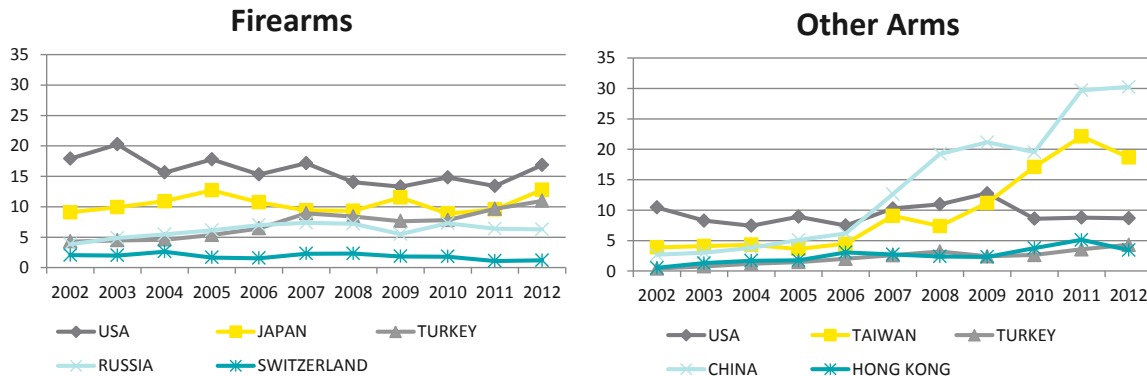
The market of civilian firearms represents a **considerable part of the EU internal market trade**, and a relevant source of exports towards Third Countries.

Around half of the firearms and other arms produced in the EU MS is exported, in the internal market for 178€ MLN (39,6% of the total firearms and other arms exported) and outside the EU 328€ MLN (60,4% of the total firearms and other arms exported)<sup>170</sup>. When it comes to the category 'other arms', import from outside the EU of "other arms" value is rapidly increasing and it is three time bigger than 6 years ago, reaching the value of 71€ million in 2012.

Particularly impressive is also the trend of the value of **import of other arms into the EU** from 2002 to 2012, and the **emerging of new major commercial partners**. The import of other arms **from China** toward the EU grew ten times in the last 10 years passing from 3€ million in 2003 to 30€ million in 2012, as imports of other arms **from Turkey** that increased tenfold from 2002 (up to € 4 million in 2012), see Chart 4.

<sup>170</sup> Eurostat database on "International trade"

**Chart 4: Top exporters to EU 28 MS of Firearms and other arms (in € MLN) from 2002 to 2012**



Source: EUROSTAT

### 1.3. Users

Also when it comes to the number of civilian firearms held in the EU, a **scattered picture across the MS** emerges, with rates of civilian firearms ownership particularly high in **some regional areas, where the lawful use of weapons linked to long-standing and traditional patterns**.

Estimates of the Small Arms Survey suggests that the firearms held in the EU 28 (both registered and not registered) correspond to around 16% of the EU population. Moreover, a certain degree of differentiation among MS exists, with the number of firearms, expressed as percentage of the population, exceeding 30% in MS such as Finland, Sweden, Cyprus and France and Germany<sup>171</sup>.

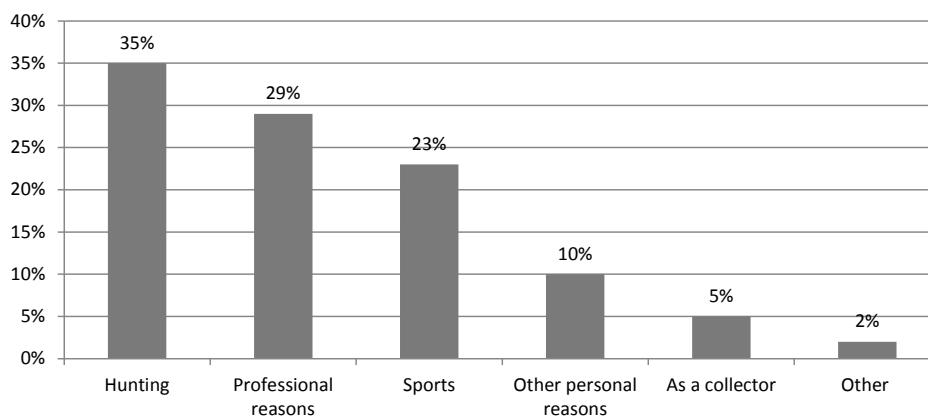
Although hardly comparable, other indications on the ownership of civilian firearms are provided by a recent Eurobarometer Survey "Firearms in the European Union". According to the survey, 5% of EU citizens hold a firearm (i.e. more than 25 million citizens), also in this case with a high degree of variation; Cyprus (18% of citizens declared to hold a firearm); Finland (13%) and Sweden (8%) again rank particularly high in the list<sup>172</sup>. Hunting is by far the main reason for holding a firearms (35% of the responses to the survey), followed by professional (29%)<sup>173</sup> and sport reasons (e.g. target shooting, 23%), whereas collection is a reason only in 5% of the cases (Chart 5).

<sup>171</sup> Estimates of SAS are based on several methods: guns registration, experts estimates, household surveys, proxy indicators, analogous comparison (based on countries with better databases). In particular, It should be noted that the bulk of firearms included in the estimates of the SAS (both for the EU MS and worldwide) is made up of unregistered firearms. Indeed, the SAS argues that declared registration covers roughly 10%-14% of all civilian firearms believed to exist (Small Arms Survey, Estimating Civilian Owned Firearms, Research Note, [http://www.smallarmssurvey.org/fileadmin/docs/H-Research\\_Notes/SAS-Research-Note-9.pdf](http://www.smallarmssurvey.org/fileadmin/docs/H-Research_Notes/SAS-Research-Note-9.pdf)).

<sup>172</sup> Slovenia (9%), Lithuania (8%).

<sup>173</sup> European Commission, Eurobarometer, Firearms in the European Union, October 2013.

**Chart 5: Reasons to own firearms in the European Union (2013)<sup>174</sup>**



Source: Eurobarometer 2013

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<sup>174</sup> Multiple answers were possible.

## Annex 2. List of interviews and answers to the questionnaires

### 2.1. Interviews performed

Here below we present the list of interviewed stakeholders. The evidence emerged from the interviews has been integrated in the analysis of the policy options presented in Chapter 4.

**Table 15 – List of interviewed stakeholders**

MS	Organisation	Date of the interview
Italy	Italian Ministry of Interior Public Security Department	Position paper sent and several phone contacts
Italy	ANPAM (Associazione Nazionale Produttori Armi e Munizioni Sportive e Civili)	07 November 2013
Italy	National Proof House Gardone Val Trompia	13 December 2013
Italy	Chiappa Firearms	28 January 2014
Italy	Meeting with representatives of the industry and National Proof House in Gardone Val Trompia (BS)	14 February 2014
Ireland	Garda Síochána Technical Bureau	22 November 2013
Denmark	Danish National Police	26 November 2013
Luxembourg	Police Granducale, Département technique	26 November 2013
Cyprus	Guns Registry Office - Cyprus Police	27 November 2013
Croatia	Firearms forensic Service, MUP	02 December 2013
France	Ministry of Interior – Judicial Police	02 December 2013
Malta	Foundation for European Societies of Arms Collectors (FESAC)	02 December 2013
Lithuania	Police Department – Public Police Board Licence Division	04 December 2013
Lithuania	Police Forensic Science Centre, Firearms and Explosives Examination Division	7 January 2014
Netherlands	National Criminal Intelligence Service	06 December 2013
United Kingdom	National Ballistics Intelligence Service (NABIS)	03 December 2013
United Kingdom	University of Brighton	03 December 2013
United Kingdom	London Metropolitan University	03 December 2013
International	Peace Research Institute, Oslo	03 December 2013
International	Saferworld	03 December 2013
Sweden	Intelligence Unit, Swedish Police,	31 October 2013
Sweden	Legal Department, Swedish Police	31 October 2013
Sweden	Swedish Weapons Collectors' Association	12 December 2013
Finland	Finnish national Police	11 February 2014
Belgium	Belgian Federal Police	22 January 2014
Germany	Ministry of the Interior	27 January 2014
Slovakia	Slovakia National Police	20 February 2014
EU	DG ENTR (European Commission)	25 November 2013
EU	European Association of the Civil Commerce of Weapons (AECAC)	27 November 2013
EU	EUROPOL	02 December 2013
International	Commission International Permanente pour l'Epreuve des Armes à Feu Portatives (CIP)	05 December 2013
International	Transcrime – Joint research Centre on Transnational Crime	11 December 2013
International	UNODA (UN Offices for Disarmament Affairs)	22 January 2014

## 2.2. First round of stakeholder consultation

### i. Survey on national legislation for MS authorities

The survey on MS legislation was launched on 30<sup>th</sup> October 2013 and is still open to complete the information on some still uncovered MS. The survey aimed at analysing the regulations that apply to deactivated firearms, replica and alarm weapons in each MS, in order to gain a more targeted understanding of the current definitions, regulations and administrative procedures applied and to identify specific challenges that might be posed by them. The following topics are addressed by the questionnaire:

- Legislation and definitions;
- Registration of replica firearms, deactivated firearms or alarm weapons;
- Licences or permits for replica firearms, deactivated firearms or alarm weapons;
- Marking and record keeping;
- Offences and incidents;
- Identified problems and barriers to implementation.

The Table 16 below lists the national authorities or other experts or stakeholders involved<sup>175</sup> who took part in the consultation.

**Table 16: Survey on MS legislation – List of MS respondents**

MS	Respondents
<b>FI</b>	The National Police Board, Firearms Administration
<b>UK (NABIS)</b>	National Ballistics Intelligence Service (NABIS)
<b>UK (GTA)</b>	The Gun Trade Association (GTA)
<b>LT</b>	Police Department under the Ministry of Interior
<b>FR</b>	Ministry of Interior - Judicial Police central Directorate - Weapons, Explosive, CBRN
<b>SK</b>	Police
<b>LU</b>	Police Grand-Ducale
<b>IE</b>	An Garda Síochána
<b>DK (1) (2)</b> <sup>176</sup>	Danish National Police
<b>BE</b>	Federal Police - Firearms Trafficking Unit
<b>SI</b>	Ministry of Interior
<b>CY</b>	Ministry of the Interior - Guns Registry Office
<b>PT</b>	Polícia Judiciária
<b>NL</b>	National Police Netherlands
<b>IT</b>	Ministero dell'Interno - Dipartimento Pubblica Sicurezza - Ufficio per l'Amministrazione generale - Ufficio per gli Affari della Polizia Amministrativa e Sociale - Area Armi esplosivi
<b>MT</b>	Association of Maltese Arms Collectors and Shooters - AMACS
<b>RO</b>	General Inspectorate of Romanian Police
<b>LV</b>	State police of the Republic of Latvia (Licensing and permit system office)

<sup>175</sup> In the case of Malta and UK.

<sup>176</sup> Two different representatives answered to the questionnaire.



MS	Respondents
PL	Polish National Police Headquarters
EE	Estonian Internal Security Service
CZ	Ministry of Interior, Security Policy Dept.
DE	Federal Ministry of the Interior
ES	Intervención Central De Armas Y Explosivos
HU	Hungarian trade Licensing Office
EL	Hellenic Police/State Security Division/ Department of Firearms and explosives
BG	State Agency for National Security
AT	Ministry of Interior

To date, all the MS replied to the survey on national legislation and are integrated in the paragraph 2.3.

ii. ***Survey on national legislation for non institutional stakeholders***

We conducted a survey addressed to non-institutional stakeholders, and namely representative of the manufacturers, trade associations, dealers and retailers. The survey aimed at collecting information on the possible issues related to deactivated firearms, replica firearms and alarm weapons in the EU28 and possible needs for an EU intervention. The list of the survey's respondents is the following:

**Table 17 – Survey addressed at non-institutional respondents**

MS	Respondents
<b>Belgium</b>	FACE - Federation of Associations for Hunting and Conservation of the EU
<b>Belgium</b>	Association Européenne de Commerce d'Armes Civiles
<b>Netherlands</b>	NVW Nederlandse Vereniging voor de Wapenhandel - Dutch Association for the Arms Trade
<b>Finland</b>	Private Finnish shooter
<b>Finland</b>	Oy Asenetti Finland Ab – Finnish Gun dealer
<b>Finland</b>	Gun Dealers association
<b>Finland</b>	TEUVO LOUHIOLA OY - Finnish Gun dealer
<b>Finland</b>	J&P Raunion Automaatit Oy - Finnish Gun dealer
<b>European Commission</b>	DG Enterprise – European Commission
<b>Germany</b>	VDB Verband Deutscher Büchsenmacher und Waffenfachhändler e.V. - Association of German gunsmiths and arms dealer
<b>Greece</b>	PEVEKE - National Association of Commercial Items Hunting
<b>Netherlands</b>	Foundation for European Societies of Arms Collectors – FESAC
<b>Finland</b>	Gunshop Owners Association of Finland Asekauppiaiden Liitto Ry

The survey inquired about experienced offences and incidents and identified problems and barriers to implementation of the current EU legislation. The main questions addressed were as if replica, deactivated firearms or alarm weapons were used to commit crimes in the EU28 and if there is evidence of an increasing/decreasing trend on that; which are the main barriers to implementing the existing regulation and laws related to replica and deactivated firearms or alarm weapons in EU28 and if the current regulation and laws are properly understood by the legitimate users.

The survey's conclusions reveal the pressing matter is not so much on the security of EU and citizens' safety related to these kinds of weapons.

The answers provided on offences and incidents point to the not significantly relevance of offences or incidents using replica, deactivated firearms or alarm weapons (almost all of respondents replied "No" to the question<sup>177</sup> "*Are there recent cases of use of replica firearms, deactivated firearms or alarm weapons to commit crimes in the EU28?*") and no data or data sources are recommended on such matter.

The main issue addressed by the survey respondents' seems to rely on the implementation of the regulations and laws on replicas, deactivated firearms or alarm weapons across EU MS. The laws on replicas and deactivated firearms vary across MS and the easy availability of working, illegal firearms puts difficulties on policing, facilitating criminal offenders to buy different parts from different Member States and transform those parts for usage as working firearms. As suggested by one of the respondents, it would be very useful the presence of an information sharing system among police forces to exchange data and evidence on the trafficking of such replicas/alarm weapons.

However, a note should be made: more than one respondent quoted the German legal system on these issues as a positive benchmark in the field. Respondents highlighted that the current laws and regulations on alarm weapons and deactivated firearms are implemented in Germany, so that no alarm weapon or deactivated firearm can be converted into an active firearm. The requirements on the design of alarm weapons of governmental authorities in Germany makes impossible for them to fire a single shot of live ammunition.

Additionally, according to the stakeholders' inquired, EC intervention issuing common guidelines to implement requirements imposed by the Directive could improve harmonization of procedure among MS.

Therefore, the survey's conclusion points to a pressing matter of harmonization across EU MS and that there is no evidence on barriers regarding the implementation of the EU-rules across MS.

### **2.3. Second round of stakeholder consultation: survey on policy options**

The second round of stakeholders' consultation on policy options was launched on 13th March 2014 and it was closed in the end of April 2014.

The survey asked for the evaluation on a scale from 1 (not effective) to 10 (Very effective and appropriate) of the policy options, and for comments on the attributed rating.

The consultation was addressed to MS authorities, international institutions, industry representatives and other experts on the issues which contributed to the whole study. The consultation resulted in 23 responses. The table below provides the Member States and the membership organizations of each of respondents.

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<sup>177</sup> The only exception is constituted by a respondent from Finland, stating that there have been around tens criminal offences in the last three years.

**Table 18 – List of respondents to the consultation on the policy options**

MS	Respondents
Croatia	Ministry of the Interior
Cyprus	GUNS REGISTRY -POLICE
Finland	National Police Board / Firearms Administration
France	Judicial Police Central Directorate
Germany	Ministry of the interior
Germany	Association of the manufacturers of hunting and sport weapons and ammunition (JSM)
Greece	STATE SECURITY DIVISION
Italy	CONFINDUSTRIA
Lithuania	Lithuanian Police Forensic Science Centre
Lithuania	Police department under MoI
Luxembourg	Police Grand-Ducale
Netherlands	National Police
Poland	National Headquarters of Police
Romania	General Inspectorate of Romanian Police
Slovakia	Police Force
UK	National Ballistics Intelligence Service (NABIS)
EU	Europol
EU	The European Association of the Civil Commerce of Weapons (AECAC)
International	Small Arms Survey
International	Small Arms Survey
International	Transcrime - Università Cattolica Sacro Cuore
International	C.I.P. Bureau Permanent
International	UNODA

The feedback of the stakeholders is integrated in the detailed assessment tables presented in chapter 4.

### **Annex 3. Case studies: detailed analysis**

The paragraphs below present the case studies realized for United Kingdom, Italy, Lithuania, Sweden and Croatia.

#### **3.1. United Kingdom**

##### **i. General Overview**

Two pieces of legislation are key documents regulating firearms possession in the United Kingdom: the 1968 Firearms Act (amended 1988 and 1997) and the 1982 Firearms Act, which established rules for imitation firearms that can be readily converted into a firearm.

In the United Kingdom a firearm is defined as ‘a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged’.

Air weapons that use a gas cartridge as well as those with a muzzle velocity that exceeds established guidelines (there are separate guidelines for pistols and rifles) are classified as ‘specially dangerous air weapons’, and are treated as active firearms according to the law. However, low-powered air weapons are not considered to be firearms because they do not meet the criteria of lethality.<sup>178</sup>

A deactivated weapon is not considered to be a firearm.

An air weapon is considered readily convertible if it can be converted ‘without any special skill on the part of the person converting it and the work involved in converting it does not require equipment or tools other than such as are in common use by persons carrying out works of construction and maintenance in their own homes.’

Possession of low-powered air weapons not classified as specially dangerous, deactivated firearms, antiques and imitation firearms is permitted without a licence.

##### **ii. Definitions, main provisions and potential issues**

###### **Replicas**

The United Kingdom does not use the term “replica” in the legal discussion of firearms. The UK has instead a category of imitation firearms, which covers anything which has the appearance of being a firearm, whether or not it is capable of discharging any shot, bullet or other missile. This is not necessarily linked to physical appearance—for example, a stick or pipe that is placed in a bag and used in a robbery would be considered an imitation firearm.

The UK has a separate category of “realistic imitation firearms” which include imitation firearms with an appearance that is so realistic as to make them indistinguishable, for all practical purposes, from a real firearm. Realistic imitation firearms will typically be constructed of soft metal, the hot gases produced by firing a blank cartridge in the chamber would typically be vented through a hole close to the chamber, and the barrel would usually be fully blocked.

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<sup>178</sup> A technical guideline for determining whether an air weapon is a firearm is the kinetic energy with which the projectile leaves the barrel, but this not a legal standard, and air weapons with a muzzle velocity lower than that described in guidance documents may be considered to be firearms.

The possession of realistic imitation firearms is legal for various uses—e.g. for display in a museum or the blank-firing weapons used in the production of films and TV programmes.

### **Converted weapons**

The UK has defined a category of ‘readily convertible imitation firearms’. A realistic imitation firearm is treated as a live firearm if it can be readily converted into a weapon from which a shot, bullet or other missile can be discharged. In this case, “readily converted” means that it can be so converted without any special skill on the part of the person converting it, and the work involved in converting it does not require equipment or tools other than such as are in common use by persons carrying out works of construction and maintenance in their own homes.

### **Deactivation**

The deactivation of firearms in the UK must meet a technical standard that is described in a Home Office guidance document—the firearm must not be easy to reactivate with normal household tools. The process of deactivation can be carried out by private companies, and the person doing the deactivation decides on the technical procedure.

If carried out in the UK, the deactivation must be submitted to a UK proof house for assessment. There is regular consultation between forensic scientists, proof houses in London and Birmingham and the firearms centre in Leeds on technical standards, but it is the proof houses that decide whether the standard has been met.

Imported deactivated firearms must be accompanied by a Deactivation Certificate for deactivated firearms, issued by the London or Birmingham Proof House, before being released to the owner by the UK Customs authority. This does not mean that the deactivation is carried out in the UK, since June 1980 the United Kingdom has been a member of the International Proof Commission (C.I.P.), and the UK recognises the proof marks of the other member nations.

If a firearm bears an approved proof house mark, and has been certified in writing as deactivated, the item is then presumed to be incapable of discharging bullets or shot. At that point there is no restriction on possession of the deactivated weapon, and no need for registration or certification. Deactivated weapons bearing a valid proof mark are excluded from the definition of realistic imitation firearms.

In making a determination, the proof house applies technical specifications that were updated in 1988, 1995 and 2011. The current deactivation standard is considered strict, but there have been recorded cases of firearms deactivated in the UK being reactivated and used in crime.<sup>179</sup> Reactivation by people with specialized engineering skills and criminal intent is illegal but difficult to prevent, and this is not the purpose of the current technical standard.

### **Destruction**

There is not one, single technical standard for destruction of firearms applicable across the UK. The technical standards are set by each police force around the country, and there are some differences. For example, sometimes a force will require a member of the police force to supervise the chain of custody in transport and also be present during destruction, at other

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<sup>179</sup> In a 2010 case in Newhaven, 45 pre-95 deactivated sub-machine guns were reactivated and 7 of those are known to have been used in crime—including homicides. Most of the 45 weapons are still unrecovered.

times this will not be needed. Some police forces take responsibility for destruction—usually they have a cutting machine that they operate in a police workshop—while other forces contract out destruction to a private company.

iii. ***Stakeholders' positioning and issues***

Based on the interviews with UK stakeholders, there are a number of issues and problems that are actually or potentially related to the subjects taken up in this study.

1. *Minimum common standards:* The UK supports the creation of minimum common standards in technical areas at European level to assist with the efficient implementation of the existing Directive.
2. *The relative scale of the problems:*
  - a. The UK does not use the term replica weapons. The UK has a serious problem with converted weapons, with some police forces reporting that in recent years converted weapons can account for as much as 50 per cent of firearms used in crime. UK stakeholders would like a specification for blank-firing imitation weapons making them less easily converted to be live firers, with a rule that any imitation firearm not conforming to the specification should be regulated as a firearm.
  - b. The UK stakeholders fairly agreed that there are only very rare cases of deactivated firearms being reactivated and used in crime—that is, cases where the current deactivation procedures failed.
  - c. Civil society stakeholders have called for the licensing and registration of low powered air guns not currently classified as firearms. Associations representing hunters and shooters do not support this proposal, neither do the UK police. The latter believe that the administrative burden of the licensing and registration would be out of proportion to the risks posed by low powered air guns.
3. *Updating of deactivation standards:* When a technical standard for deactivation is updated, there is a recommendation from the Association of Chief Police Officers (ACPO) that consideration should be given to requiring holders of firearms deactivated according to the old standard to apply the new standard. This might be limited to categories of weapons deactivated under the old standard that are considered to be particularly attractive to criminals. ACPO also suggests considering the registration and licensing of certain categories of deactivated weapons and prohibiting certain types of people from legally possessing deactivated weapons.
4. *Better understanding of security problems and risks:* The UK interviewees would see value in an overall, more comprehensive and more integrated, assessment of the security risks associated with various different firearms issues to complement what is done at national level. It is hoped that the new emphasis on the issue at Europol will help create this analysis.
5. *Antique weapons:* The police see a potentially serious situation arising after 2014 because the word “antique” is not defined in the UK firearms legislation. The current guidance is that firearms more than one hundred years old are treated as antique, unless modern ammunition can be bought and fired using the weapon. However, there is likely to be an increase in the number of World War I-era firearms still in working order but without a firearms import licence or a valid Firearms Certificate. In many cases criminals will be able to make or adapt ammunition for these firearms.

### 3.2. Italy

#### i. General overview

Italy is the first producer of firearms in the EU. The country is characterized by a long tradition in hunting and sports connected to firearms use, and according to a recent study, the overall sector value is estimated to be around 755€ million per year, for an economic value of satellite activities estimated in 7,9 € billion in 2012<sup>180</sup>. In Gardone Val Trompia, where the Italian production capacity is concentrated, there are approximately 108 companies, employing between 5.000/6.000 people<sup>181</sup>.

According to the data provided by the National Proof House, in 2013 Italian manufacturers produced 114 thousands alarm weapons, with a trend floating, but remained stable in the last years, as shown in Table 19<sup>182</sup>. Italy is also a main producer of replicas, accounting for around 122 thousands units<sup>183</sup>, in 2013.

**Table 19: Firearms tested by Italian National Proof House**

	2008	2009	2010	2011	2012	2013
Traditional firearms	716.681	641.867	639.146	632.515	755.235	913.685
Blank weapons	102.959	96.292	106.803	51.964	49.764	49.060
Signal weapons				75.068	42.583	64.898
<b>Total</b>	<b>819.640</b>	<b>738.159</b>	<b>745.949</b>	<b>759.547</b>	<b>847.582</b>	<b>1.027.643</b>

*Source: Gardone Val Trompia National Proof House statistics*

As for the legislation, the main legislative acts are:

- TULPS 773/31 "Testo unico delle Leggi di Pubblica Sicurezza" (Unified Lex for public security);
- Law 110/75 "Additional regulations of the law for the control of small arms, ammunition and explosives" (amended in 2011);
- Legislative Decree (Decreto legislativo) 527/1992 implementing Directive CEE 91/477 on monitoring and acquiring firearms;
- Implementing Act (Circolare Ministeriale) 577/2002 on deactivation of firearms;
- Legislative Decree (Decreto legislativo) 121/2013 implementing directive 2008/51/CE.

<sup>180</sup> Source: Università di Urbino (2011) La produzione di armi e munizioni per uso civile, sportivo e venatorio in Italia.

<sup>181</sup> Among the major companies producing alarm weapons in Italy, the following can be mentioned: Fratelli Tanfoglio S.n.c., Bruni and Kimar, according to Consorzio Armaioli Italiani interviewed in Gardone Val Trompia (IT) on 14<sup>th</sup> February.

<sup>182</sup> Data are provided by the National Proof House. In this framework data on "Traditional firearms" includes "Long arms for hunting and sporting", "Short arms for civilian use and sports", "Replica and muzzle loaders" and "Components".

<sup>183</sup> Data refers to Replica and muzzle loaders, for references see also 2.1.

ii. **Definitions, main provisions and potential issues:**

**Firearms**

Article 1-bis) of Legislative Decree no. 30/12/1992 n. 527 (Implementing the Directive 91/477/EEC) regulates the control of the acquisition and possession of weapons quotes: For the purposes of this Decree, the following definitions shall apply: the term "firearm" means any portable barrelled weapon that expels, or is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant, unless it is excluded for one of the reasons listed in Part III of Annex I to Directive 91/477/EEC, as amended.

**Marking**

Law 110/1975 provides that "On weapons manufactured, assembled or brought into the State, must be printed, indelibly, into the area of the barrel, frame or in an essential part of the weapon", by the manufacturer or assembler. However, a distinction should be made: marks are placed on the firearms by both the producer (which places his mark on an essential component<sup>184</sup>), and the Proof House (which places his mark on *all* essential components<sup>185</sup>), following the proof tests.

Moreover, it should be noted that the matriculation number is placed at the very beginning of the process to avoid that stolen firearms components can circulate freely on the market and the Proof House mark (i.e. *punzone*) is placed at the end of the process, once the safety of the firearm has been tested.

The National Proof House is responsible of the marking, being the official "technical supervisor" of the legal compliance of firearms and ammunitions to the technical and legal standards, and their resilience to possible attempts of modification. Based on the CIP standards, the marks applied on the firearms are pressure-based, a technique deemed as effective in prevent any activity of marking sharpening (even when the mark is cancelled, these techniques allow to recover the erased mark with a chemical test).

As for imported firearms, when all information requested by the legislation is placed on the firearm, the National Proof House does not request for additional information nor it places additional marks. It requests additional information or places additional marks, only when not all information is placed on the firearm (for example, it has the obligation of placing the acronym of its country if the firearms does not already indicate another country). The Italian Proof House sometimes tests imported firearms even if they have already been tested in their country of origin by a non CIP member (on even when specifically requested by the Police or the producer). In the past, European Commission has received complains on the procedures followed in Italy due to the fact that double marking issues have been observed. This happened in 125 cases in 2013 (tests on imported firearms that had the identification of their country of origin) and in 241 cases in 2012 (out of 18.000 imported firearms).

There is still a gap as relates the information related to transfer and transport licenses:

- The **National Proof House has an electronic register** of all **firearms tested and marked** including newly produced firearms and imported firearms;

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<sup>184</sup> The producer mark is composed of 3 elements: company brand, the matriculation number and the country of production.

<sup>185</sup> The Proof House mark is composed of 3 elements: encrypted date of testing, country of the Proof House and symbol of the Proof House.



- **Companies** have all the information in relation to transfer and transport across MS;
- **Customs** have information regarding transfers between the EU and extra EU countries;
- The **National Police firearms** register archive is old and the data follows a different codification system, and when the Police has to conduct an inquiry, they normally ask the cooperation of companies for specific data.

Firearms producers located in the Brescia Province are involved in a **project aimed at digitalizing the Brescia Central Police Station (Questura)**. The total cost of the project is 630.000€, of which 50% is financed by Regione Lombardia and the remaining part by firearms producers. At the end of 2015 all documents regarding firearms' transfers and exports will be online. **Producers can get licenses for transfer and export via web and the Police can periodically screen clients.**

## Replicas

The Italian legislative framework related to replicas considers copies of ancient firearms (model prior to 1890, except for those single-shot) as firearms, therefore subject to the firearms legislation, and to the obligation to communicate their possession to the National Police Authority.

The production of such a replica can take up to 6 months and can be sold to the distributors to an average price of 400€ and to the final user to 1000/2000€.

Imitations of modern or military firearms are called in Italy "simulacri" (and are not firearms) and cannot be converted, so no security issue should be related to them.

In general, in Italy, the "simulacra" are certified, while those coming from other countries (like Russia) are not. Thus they enter into the Italian market as ornamental objects and they are not further controlled.

## Alarm weapons

In Italy "alarm weapons" include:

- **blank firearms** (*armi a salve or top firing*), i.e. top firing (gas goes out from a small hole on the top of the barrel);
- and **signal weapons** (*lancia razzi or front firing*), i.e. front firing (with gas coming out from the front of the barrel).

These two products are regulated by two different legislations, and specifically while blank firearms can be sold and bought without license, signal weapons are considered common firearms since 1975 and thus they have a matriculation number, a license is needed for the ownership and there is a maximum of 6 pieces that can be owned.

Signal weapons are considered firearms, but they are less powerful than blank firearms (3 vs 7 joules).

Both blank firearms and signal weapons have to be manufactured in material with a low mechanical resistance.

At present, 100% of the blank and signal weapons produced in Italy are tested by National Proof house to verify the compliance with the legislative requirements, in terms of construction material and power, defined in order to ensure that these weapons could not be successfully

modified to be transformed in a real firearm. This requirement affects to a significant extent the cost of signal and blank-firing weapons, in some cases increasing their price of 20%.

Based on the current standards, the Italian alarm weapons are not convertible (a steel obstruction within the barrel avoids the conversion). The only issue faced by Italian producers in their trading is their possible resemblance to a real weapon (e.g. in the UK Bruni signal weapons are authorized only if painted in orange to increase their visibility).

### **Deactivation and destruction**

With deactivation is intended the operation by which a weapon is permanently and irreversibly rendered inert and reach the status of a mere simulacrum also in its essential parts.

The holders of the deactivated weapons must produce a document notifying the transformation of the weapon alleged in the simulacrum and communicate ownership of the deactivated weapon to the local office of State Police.

A recent change in the regulation occurred in 2002, based on cases of deactivated weapons found on the market. The general provision governing the matter (i.e. Law 110/75) has been, therefore, integrated with the aim of better detailing the steps of a deactivation procedure<sup>186</sup>.

Following the legislative specifications issued in 2002, there is no evidence of security issues related to deactivated firearms in the country. In the past, before the introduction of 2002 regulation, some irregularities have been detected and nationwide investigations have been conducted in relation to lack of accuracy in the deactivation procedure.

Differently from deactivation, destruction is carried out only by military authority, which detains the monopoly on these procedures and is the only public entity responsible for the realization of required procedures.

### **iii. *Stakeholders' positioning and issues***

The legislation on weapons in the country is very complex and layered. At the same time, by now, the collection is not organic, so it may be difficult to fully understand or implement it.

Some concerns can be expressed in relation to the certification of deactivation, issued by the licenced operators having carried out the deactivation, whereas the identification of an ad hoc certification entity could be more effective in granting that a deactivation procedure has been properly carried out<sup>187</sup>. However, the most pressing needs on the matter are related to opportunity to provide a register at the EU level, for the effective collection of information and for the identification of deactivated weapons<sup>188</sup>.

In general, no major security issues related to deactivated firearms, alarm weapons and replicas are pointed out. For criminals is significantly easier purchasing illegal firearms, coming from China or eastern European countries, than modifying deactivated firearms, alarm weapons and replicas. In more general terms, the Italian illicit trafficking of firearms can be mainly traced back to two main sources:

- Theft of authorised firearms for citizens and public security officials;

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<sup>186</sup> With the "Circolare Ministeriale" 20 September 2002. n. 557.

<sup>187</sup> Concern expressed by a representative of the National Proof House.

<sup>188</sup> Ministry of the Interior - Firearms And Explosive Department.

- Illicit import and export due to the insufficient monitoring of frontiers.

In this view, a better **monitoring activity of external boundaries** is a priority action to improve safety and security of EU citizens. At the same time, the ability of MS to **monitor and collect data** should be enhanced. Finally, a major problem faced by producers is linked to the **different approaches across MS**, in relation to alarm weapons and replicas and, more generally, the different classifications of firearms according to the categories of the Firearms Directive<sup>189</sup>.

In this view, some possible options to improve security and safety at EU level pointed out by the Italian stakeholders can be mentioned:

- EU common definition of signal/alarm weapons, defining whether they are firearms or not, with a particular focus on ensuring a EU common play-ground for manufacturers;
- EU common standards for anti-conversion, with CIP as an institution which can play a key role (as it is already for deactivation standards);
- Defining deactivation and destruction standards through a Regulation, as a means to limit differences in the implementation at national level across MS;
- Promoting the mutual recognition of marking or imposing CIP marking standards in all the EU28 MS, in order to:
  - improve the security of firearms, ensure their quality and prevent their conversion for criminal purposes;
  - ensure traceability through national proof houses marking and registration coordination;
- Introducing an EU mark, compliant with common procedures for marking and testing, appointed by a common EU database or a continuous dialogue among national Proof Houses, to guarantee the tracking of the firearm - in alternative to the previous option;
- Coordination at EU level on traceability activity - by relying on Interpol;
- Creation of IT systems for the collection and exchange of information and documents among producers, Proof Houses and police authorities (by taking inspiration from the IT system which is being created in the Brescia Province)

### 3.3. Lithuania

#### i. **General overview**

Lithuania has amended its firearms legislation and licensing procedures related to replicas and alarm weapons in the past few years. By introducing registration and license requirements on alarm weapons, law enforcement has taken control over much of the conversion of alarm weapons and the subsequent use of these weapons in crime.

#### ii. **Definition, main provisions and potential issues**

##### **Firearms**

Firearms are governed by two pieces of legislation: The Law on Control of Weapons and Ammunition and Order of the Police Commissionaire General on the Confirmation the rules on the modification, displaying and exhibitions of firearms.

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<sup>189</sup> ANPAM – National Association of Arms Produces.

Firearm is defined as a device designed or suited as a weapon from which, by force of pressure of combustion products of explosive agents, bullets, projectiles or harmful to health, irritant agents may be launched to affect a target from a distance mechanically, thermally, chemically or otherwise, or a sound or light signal may be made. Essential components of firearms shall also be regarded as firearms.

### **Alarm weapons**

Alarm weapons are covered by the definition of firearms in Lithuania. Lithuanian law no longer makes a distinction between “convertible” and other alarm weapons. Experience in Lithuania has showed that all alarm weapons are convertible. Lithuania has banned certain alarm weapons due to their features and frequent use in crime (gas pistol **IZH-78-9**). **Lithuania has also many cases where** some models of traumatic revolvers have been used without any conversion, by using rubber or lead bullets with 9 mm Knall cartridges. For example, the revolver ME38 Compact G was very often used in Lithuania. **The Lithuanian Police Forensic Science Centre carried out the expertise of ME38 Compact G, which were seized from the criminals from 2008 until 1 July 2013, 93 times.** Lithuania prohibited the import of gas revolvers Olympic 38 and traumatic revolvers ME38 Compact G from 15 June 2010. Until 2011, about 6000 gas (alarm) pistols (revolvers) and revolvers of small power were sold every year in Lithuania. Weapons were purchased legally from the licensed dealers. The lack of control on gas (alarm) firearms and no requirements for the person's reputation to be checked, made gas (alarm) pistols (revolvers) very popular among criminals. The purposes for purchasing so many weapons could be converting them to firearms with live fire ammunition and selling them to illegal market.

On 1 March 2011, Lithuania introduced registration and licensing requirements for alarm weapons. On 1 January 2014, the same procedure was extended to low energy weapons. Only the person who meets all requirements of the Law can purchase, keep and carry gas (alarm) weapons. Requirements for the persons' reputation are the same as for real firearms. Gas (alarm) pistols (revolvers) as well as revolvers of small power could be acquired and possessed by natural persons only upon getting the permit from the police. Persons, who have possessed gas (alarm) weapons until 1 March 2011, must register them at the police stations until 1 January 2014 (this was later extended with six months). From 1 March 2011 till 1 October 2013, the Lithuanian police registered more than 20 000 gas (alarm) pistols (revolvers) and revolvers of small power. After establishing the registration procedure for these types of firearms, the demand for gas alarm weapons decreased by ten times. In 2010 it was sold nearly 7000 gas (alarm) weapons. In 2012 only 691 pistols (revolvers) were sold. It means that nobody bought gas (alarm) weapons for converting them to firearms with live fire ammunition and selling them to illegal market.

### **Replica weapons**

Lithuanian law makes a distinction between a “replica” and a “Simulation firearm” A Replica is a copy of antique weapon. It is possible to shoot bullets from these copies of antique weapons. According to Lithuanian legislation, an antique weapon is weapon made before 1870. Replicas are registered by the police; as of December 2013, there were 180 registered replica weapons in Lithuania. Only persons of impeccable reputation can purchase such replicas.<sup>190</sup> Replica weapons do not constitute a security problem in Lithuania.

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<sup>190</sup> Information provided by the Lithuanian Ministry of Interior.

A “Simulation firearm” means firearm which is modified in that way, that it is possible to fire only blank cartridges and there is no possibility to launch a projectile, bullet, pellet, cannon-shot, etc.

### **Deactivation**

A deactivated weapons is defined as “a weapon completely unfit for use”, meaning a weapon which is converted or affected in such a manner that all its essential components are irreversibly damaged or broken and it is impossible to restore, repair or change them so that it would again become suitable for proper use.

The Lithuanian police rarely receive requests for deactivation of weapons from the public. The demand for deactivated weapons in Lithuania is considered to be very low. Lithuania’s deactivation standards are stricter than in many other EU MS. The Weaponry fund must approve all import of deactivated weapons (to ensure that they meet the national standards of deactivation and to issue a permit).

### **Destruction**

The state runs Weaponry Fund under the Ministry of Interior, which is responsible for destruction. An inter-ministerial committee decides on the means of disposal of seized weapons. Items which are in good condition and safe for use may be resold on the market.

#### **iii. *Stakeholders’ positioning and issues***

Introduce an EU-wide registration on alarm weapons. Alarm weapons are very advantageous to the criminals. Such weapons are cheap, sold without permits and checking reputation in many countries. Every gas (alarm) weapon can be easily converted into the real one. It is impossible for the police forces to trace the converted gas (alarm) firearms, without registration. The best way to stop illicit trafficking of such firearms is to start register gas (alarm) firearms by police as real firearms in every country of the European Union.

Consider a restriction on acquisition of low energy weapons. Certain revolvers of small power (the kinetic energy of projectiles does not exceed 7.5 J) loaded with rubber bullets can be made lethal (exceed 20 J) without conversion.

#### **3.4. *Sweden***

##### **i. *General overview***

Sweden has about 700,000 legal weapon owners (population 9.6 million), with a large hunting community and highly acclaimed sport shooters.<sup>191</sup> The police closely monitor weapon acquisition and possession. Every year the Swedish police withdraw thousands of civilian firearm licenses because the criteria for ownership are no longer met. The large number of firearms possessors in Sweden is a big administrative challenge for the police. Deactivated weapons, certain alarm weapons and all essential components of firearms are included in the definition of firearms under Swedish law. There is no production in Sweden of either alarm weapons or replica weapons. The issues covered in this project are not considered to be first

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<sup>191</sup> Sveriges Vapenägares Förbund, <<http://www.vapenagaren.se/>>.

order security problems by the Swedish police. However, the police nevertheless believe that it is necessary to have a comprehensive and harmonized approach to firearms regulation.<sup>192</sup>

ii. ***Definition, main provisions and potential issues***

The Swedish legal framework is constituted by the 1996 Firearms Act (Amended in 2012), the 1992 Military Equipment Act (Amended in 2012) and the 2009 National Police Board's Regulations and General Guidelines about Firearms Legislation.

The Swedish government has appointed an inquiry to analyse certain aspects of firearms and to consider the need for constitutional amendments in the firearms legislation. The legislative review will include a ban on civilian ownership of fully automatic weapons. The inquiry will also assess a potential ban on civilian possession of some semi-automatic weapons (easily convertible to fully-automatic weapons), among other things.

**Firearms**

Firearms are defined as devices which can discharge bullets, hail, harpoons or other projectiles with the help of powder charges, compressed air or other similar means. The provisions regarding firearms also apply to for example:

- Devices to the effect and purpose are comparable with firearms,
- Deactivated weapons which in a usable condition would count as firearms,
- Alarm and signal arms loaded with cartridges
- All essential components of firearms (the muzzle, bolt and frame)
- Modifications that permit firearms to be used with other ammunition than they are intended.<sup>193</sup>

**Deactivated weapons**

In Sweden, a weapon cannot be considered permanently deactivated unless it is destroyed. The Swedish view is that all deactivated weapons can be re-activated. Deactivated weapons are therefore treated as active weapons: they require a license to acquire and possess, and they are kept in the national firearm registry.

Because of the strict control on deactivated weapons, it is assumed that the process of deactivation requires less oversight than in some other countries. Deactivation can be performed by any national firearm dealer or weapon repairer which has been approved by the Swedish authorities.

**Alarm weapons**

Swedish firearm legislation defines those alarm weapons which can be loaded with cartridges as firearms, i.e. they require a license to be possessed, are kept in national records, etc.

Imported alarm weapons constitute a big problem for Swedish police. Alarm weapons are easily accessible, plentiful and cheap. The quality of the weapons used to be poor, but this is changing. Converted alarm weapons are becoming more sophisticated.

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<sup>192</sup> Interview with Swedish police, Stockholm, Oct. 2013.

<sup>193</sup> The Firearms Act (Vapenlagen), 1996 (amended 2012), chapter 1.

The authorities have confiscated hundreds of alarm weapons. The alarm weapons found in Sweden are often imported from South East Europe. Turkish alarm weapons are exported in large numbers to Bulgaria and the Balkans. A significant number have been converted with a new muzzle in the Balkans before they are smuggled into Sweden.

### **Replica weapons**

Replicas are exempted from Swedish firearms legislation. Per definition, replicas are not firearms, unless they carry licensed components, such as muzzle or bolt. The number of replica weapons, which are imported to Sweden, is unknown, since replica weapons are exempted from registration and license requirements.

There have been cases where replica weapons have been used to commit criminal offences in Sweden, most notable robbery. In a study of firearm used in murder and bank robbery in Sweden 2000-10 showed that replica weapons had frequently been used.<sup>194</sup> The same study showed that weapons were seldom fired in bank robberies. A recurring problem is that criminals often state that they used a replica weapon to commit a crime, rather than an actual weapon. In case it cannot be proved that an actual weapon was used, sanctions might be lowered. E.g. an armed robbery is considered a more serious offense than a robbery using some other means, even if the person thought a weapon was used. The study made by the Swedish weapons collectors' association concluded that an increase in the sentence for armed robbery could lead to an even larger use of replica weapons in such crimes. The same study also showed that the use of replicas in crime puts the criminal in a dangerous situation. There are cases in the recent past when they have been shot at by the police taking the replica for a real weapon.

### **Conversion**

The alternation of a weapon to the point that it becomes an essentially different weapon is defined as "manufacturing" in Sweden.<sup>195</sup> In this case, the license to possess the firearm expires unless the holder is authorized to trade in firearms and the amended weapon is covered by the permit.<sup>196</sup>

### **Destruction**

In Sweden, the police have a monopoly on the destruction of firearms by law. This was not always the case. There were cases when Swedish "destroyed firearms" were used in crimes elsewhere in Europe, after which the management of weapon destruction was centralized to the police. Now there is no longer a problem with destroyed weapons being found in the market.

Firearms for destruction are handed in to the police together with the weapon permit.<sup>197</sup> The police held weapon amnesty in 1993, 2007 and 2013. In the two first amnesties, the police received in total 30,000 firearms and 29,000 tons of ammunition.<sup>198</sup>

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<sup>194</sup> Hagelin, B., 'Skjtvapen använda i brott i Sverige 2000-2010' (firearms used in crime in Sweden 2000-2010), Svenska vapensamlarföreningen, 2012, p. 8.

<sup>195</sup> The Firearms Act (Vapenlagen), 1996 (amended 2012), chapter 4, para. 1.

<sup>196</sup> The Firearms Act (Vapenlagen), 1996, chapter 4, para. 1.

<sup>197</sup> The Firearms Act (Vapenlagen), 1996, chapter 4, para. 4.

<sup>198</sup> <http://polisen.se/Aktuellt/Vapenamnesti-2013/Fragor-och-svar-om-vapenamnestin/>

Seized or recovered weapons are as a general rule destroyed (melted or burned), however exceptions can be made for storing the weapon at a museum, military purposes or the national crime technical laboratory. Seized weapons are never re-sold.

## Marking

In Sweden, weapons and weapon components must be marked at the time of manufacturing. The manufacturer of a firearm shall provide the weapon with a unique identifier which includes the name of the manufacturer, the country or place of manufacture, serial number and year of manufacture. This does not apply to the manufacturer of firearm components already marked on above mentioned way. The marking shall be located **on all essential parts** of the firearm, namely on the:

- bolt or barrel;
- the second barrel or pipe;
- the frame<sup>199</sup>

Imported weapons for collector use are marked with the national Swedish mark, something which is opposed by the Swedish weapons collectors' association. Every mark imposed on an original weapon apart from that of the manufacturer changes the weapon's appearance and lowers its value for collectors.<sup>200</sup> Replica weapons are not marked.

### iii. *Stakeholders' positioning and issues*

- Encompassing replica weapons in the definition of firearms would be an administrative burden. The Swedish police has doubts regarding a potential restriction of replica weapons, as a definition of what constitute a replica weapon does not exist. There is a risk that such legislation would include hobby items which clearly does not constitute a security threat. In contrast to some other countries (i.e. the Netherlands), all items which are controlled for in the Swedish Firearms Act, are so based their function and not by their appearance. I.e. if an item looks like a firearms but could not be used as such, it is not covered by the legislation. Introducing registration of replica weapons would not meet a significant need and would mean an expansion of an unnecessary administrative function for Swedish police.
- Trade in components: In the Swedish Firearm Act, "Essential components": the muzzle, bolt and frame of a firearm, require a license in the same way as a complete firearm would. Similarly, some essential components are subject to the Swedish law on military equipment in their own right. Other components are not controlled for, which make it difficult to get an overview of the trade. One related issue is the internet trade in components where weapon parts are freely imported to Sweden from other countries without any control or record keeping.
- Alarm weapons: Sweden would welcome minimum standards on alarm weapons acquisition. Unregistered alarm weapons enter Sweden from other countries without the notification to the Swedish authorities. Some of the weapons are later found in the possession of organized criminals or on crime scenes.

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<sup>199</sup> The Firearms Act (Vapenlagen), 1996, chapter 2, para. 2. Act (2011:467).

<sup>200</sup> Interview with the Svenska vapensamlarföreningen, 12 Dec. 2013; Hagelin, B., 'Skjtvapen använda i brott i Sverige 2000-2010' (firearms used in crime in Sweden 2000-2010), Svenska vapensamlarföreningen, 2012, p. 17.



### 3.5. Croatia

#### Information provided by Croatian authorities

On 28 November 2013 SIPRI sent the responsible Croatian authorities, the Ministry of the Interior, the questionnaire that was prepared by the project to collect the information needed from EU Member States in order to complete the report.

Subsequently, the request for information was followed up regularly with both email and telephone calls asking the authorities to fill in the questionnaire and return it. It was emphasized that, if it was not possible to answer all questions, it would nevertheless be valuable if as many questions as possible were answered. However, the questionnaire was never returned<sup>201</sup>.

#### i. General information

Based on the information related to weapons that are examined in the Centre for Forensic Testing, Research and Expertise "Ivan Vucetic" of the Ministry of Interior, Croatia does not have a domestic security problem arising from the use of deactivated, replica or alarm weapons in criminal acts. Cases where firearms have been used to commit crimes in Croatia normally involve live firing weapons, which are relatively easy to acquire.

There have been some cases where alarm weapons that have been converted to fire a live round have been recovered—fewer than 10 such weapons are recovered per year. The converted alarm weapons seen at the Centre originated in the former Soviet Union, and none of the recovered weapons had been used to commit a crime. In the one case where the discharge of a converted alarm weapon caused an injury it was a quarrel in a bar between two men that had been drinking.

There are a relatively large number of people in Croatia with the necessary skills to manufacture, repair and convert firearms. In their national report on implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects for 2010, the Croatian authorities detailed a number of instances where Croatian criminals were involved in international firearms trafficking.<sup>202</sup>

There are public sources from the mid-2000s suggesting that individuals and companies in Croatia were supplying both conversion services and working copies of firearms of foreign design to criminal groups elsewhere in Europe. In 2007–08 the Netherlands and Croatia participated in a bilateral programme to combat illegal manufacturing and trafficking in firearms, ammunition and explosives, including close cooperation between the Croatian Ministry of the Interior (Criminal Police Directorate and the Forensic Science Centre), the Netherlands Forensic Institute and the Dutch Police.<sup>203</sup>

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<sup>201</sup> The Public Relations Department of the RC Ministry of the Interior sent the following email message as a final response on 2 May 2014: the Ministry of the Interior does not possess information in a form required to complete the questionnaire and therefore the provisions of the Act on the Right of Access to Information cannot be applied since access to information means access to already existing information and it is not a duty of public authorities to perform certain actions, create information or express opinion, or provide explanation or similar, which is, among other things, requested in this questionnaire.

<sup>202</sup> Ministry of Foreign Affairs and European Integration, *Report On implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, Fourth Biennial Meeting of States on Small Arms and Light Weapons, 14–18 June 2010.

<sup>203</sup> The Netherlands reported on this cooperation in their submission to the United Nations Programme of Action, *NL contribution on national international frameworks*, Meeting of Governmental Experts, 12 May 2011.

ii. **Definitions**

In Croatian legislation *alarm or signal weapons* are defined as: 'pistols, revolvers, rifles and other devices that are designed exclusively to produce a loud shot or fire a flare under the pressure of gunpowder charge or compressed gas.'

In Croatian legislation the *deactivation of firearms* is defined as 'the disabling of all essential components in such a way that their removal, replacement or modification is impossible.' The essential components are: the barrel, barrel cap, chamber, firing mechanism, and cylinder.

In Croatian legislation the *conversion of firearms* is defined as 'adaptation to fire different ammunition, replacement of essential components, or other conversions that affect the operation of the weapon or technical characteristics.'

In Croatian legislation the *marking of firearms* is defined as 'the regulated injection of marks on certain parts of the firearm'.

The Weapons Act of 18 May 2012 regulates most aspects of firearms production, sale and possession. According to the provisions of the Weapons Act, imitation weapons, weapons that have been disabled by the use of technical procedures specified by regulations, and weapons designed for alarm or signalling are not considered weapons. Therefore, none of the above are subject to the rules and procedures for registration and licensing of firearms.

iii. **Legal framework**

The Weapons Act of 18 May 2012 regulates most aspects of firearms production, procurement, possession, collection, production, repair and conversion, sale and transport of firearms, as well as hunting and sporting guns and the marking of firearms.

- The Weapons Act of 18 May 2012
- Regulation 511-01-52-15340-2008 on the procedure and method for disabling firearms, 16 July 2008
- Regulation 511-01-152-61279/2-2012 on the conditions that must be met by legal entities for conducting testing and engraving firearms, 29 January 2013

**Deactivated weapons**

The deactivation of live firearms has become much more rare than was the case immediately after the conflicts of the 1990s—when there was a significant group of people that wanted to keep souvenirs and private companies existed to meet that demand.

At the moment collectors would prefer to collect real firearms that are in working order. There are still companies that can offer the deactivation service according to agreed standards, but there is little demand.

The standards for deactivation are described in the Regulation on the procedure and method for disabling firearms, 16 July 2008.

Weapons can be deactivated by persons that hold a certificate issued by the Ministry of Interior authorizing them to carry out repair and conversion of firearms. The cost of deactivating a weapon falls on the owner. The owner of the deactivated weapon must presenting the certificate provided by the authorized entity carrying out the deactivation to the competent authorities within 8 days, at which time the owner of the now deactivated weapon is issued a certificate cancelling the documents associated with the item when it was a live firearm.

## **Components**

In Croatian legislation “Essential components” of pistols are: the barrel, barrel cap, chamber, firing mechanism, and cylinder.

## **Replica weapons**

Replicas are exempted from Croatian firearms legislation. Per definition, replicas are not firearms.

## **Destruction**

More than 30,000 live firearms have been destroyed in the past few years. There is a lot of variation among the models of guns that are destroyed each year. There are firearms from all around the world, though a significant number of the items are around 20–30 years old and from the production that took place in the former Yugoslavia.

Very few of the items destroyed are replicas — perhaps only 2 or 3 in a year — or alarm weapons.

The means of destruction for live firearms is melting in a furnace, a service provided by a private metal-working company under a contract with the Ministry of the Interior.

During the delivery of the service, the police are present along the whole path. There is certification of the process carried out by the company, including the recording of which specific firearms have been destroyed using the marking system on the weapon to maintain a record.

The procedure allows the linking of destruction to the question of how the weapon was acquired—was it handed in by a member of the public, seized in a criminal act, etc.

Public information campaigns linked to weapon amnesties have been used to encourage people to hand in firearms.

## **Marking**

Before being placed on the market, Croatian firearms are subject to engraving with a special identifier or stamp.

All essential parts of weapons manufactured in Croatia must be marked with the name of the manufacturer, the country of production and the serial number. The Ministry of Interior, in cooperation with the authority for Standardization and Metrology, has laid down the procedures for marking and stamping firearms, the design and form of stamps and the form and content of certificates and labels.

There is an exception to the requirement for stamping for weapons produced in Croatia for export, where it is a requirement that the weapons be marked according to the national regulations and standards of the destination country.<sup>204</sup>

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<sup>204</sup> Firearms are produced in Croatia under a licence arrangement with the United States Springfield Armory. The customers for these firearms are in the United States, in addition to the Croatian Armed Forces and Police.

Croatia is in the process of establishing a proof house that will carry out firearms testing to ensure their safety before being placed on the market. The Croatian proof house should be operational by the end of 2014.

## Annex 4. Administrative costs of the preferred policy option

### 4.1. Administrative costs for MS national authorities and at the EU level

Improving rules on deactivation, destruction and marking procedures of firearms in the EU, as well as on alarm weapons and replicas				Tariff (€per hour)	Time (minutes)	Price (per action)	Freq (per year)	Nbr of entities	Total number of actions	Total Administrative Costs	Regulatory origin (%)			
Administrative costs for MS public authorities and costs at the EU level for the implementation of new legislation											Int	EU	Nat	Reg
No.	Type of obligation	Description of required action(s)	Target group											
1	Communication and exchange of information with other national authorities on the alarm/signal weapons and replicas tested according to the new criteria on convertibility	Communicate and exchange information in the case of alarm/signal weapons that do not meet the criteria of non-convertibility	MS Competent Authorities	24	960,00	379	1	1	20	7.584		100%		
2	Collection of statistics on alarm weapons, replicas, deactivated firearms	Collect data	MS Competent Authorities	24	4.800,00	1896	1	28	28	53.088		100%		
4	Training activities related to the convertibility	Training of MS officials on the new standards defined	MS Competent Authorities	24	720,00	284	1	140	140	39.816		100%		
5	Communication and exchange of information on the alarm/signal weapons and replicas tested according to the new criteria on convertibility	Communicate and exchange information in the case of alarm/signal weapons that do not meet the criteria of non-convertibility	EC	24	960,00	379	1	1	20	7.584		100%		
6	Monitoring and reporting activities on the implementation of the new legislation	laying out the report on a yearly basis	EC	24	38.400,00	15.168	1	1	1	15.168		100%		

Total administrative costs (€) 123.240

Tariff per hours has been estimated based on the latest available figures: Eurostat, "Hourly labour costs in the EU 28", [http://epp.eurostat.ec.europa.eu/cache/ITY\\_PUBLIC/3-27032014-AP/EN/3-27032014-AP-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-27032014-AP/EN/3-27032014-AP-EN.PDF) .

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