

# PARLIAMENT OF ROMANIA

## CHAMBER OF DEPUTIES

### DECISION

**approving the Opinion on the Communication from the Commission to the European Parliament and the Council - Implementing the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives**  
**COM (2015) 624**

Pursuant to the provisions of Articles 67 and 148 of the Romanian Constitution, republished, of Law No 373/2013 on cooperation between Parliament and the Government in the area of European affairs, and of Rules 160 to 185 of the Rules of Procedures of the Chamber of Deputies, republished,

the **Chamber of Deputies** hereby adopts this Decision.

Sole Article. - Having regard to Opinion No 4 c-19/403 adopted by the Committee for European Affairs at its meeting of 12 April 2016, the Chamber of Deputies:

1. notes that this communication complements the measures in the proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons and recalls that it pointed out in its opinion on this initiative that if statistical data proved that criminal acts are overwhelmingly committed using illegally obtained or owned weapons, the Commission's regulatory approach should have focused on arms trafficking, and asked the Commission to provide national parliaments with comparative data on the level of use of legally obtained and illegally obtained weapons in organised crime and terrorist acts;

recalls that in its opinion on legal firearms, it pointed out that safeguards in respect of the movement and legal possession of firearms only make sense if it is not easier for criminals to obtain them illegally, and that the determination of Member States to implement their laws and EU rules to combat arms trafficking is an absolute necessity;

2. notes that many of the measures proposed in the communication, such as those relating to online trafficking and the diversion of legal trade, are connected with the legal purchase of weapons, which was already addressed in proposed directive COM(2015)750;

3. points out that if the European Commission knows that *'the illicit trafficking of firearms is part of the core business of organised crime groups'* and that *'terrorist networks are accessing weapons and explosives through organised crime networks and the black market'*, as it claimed in its communication, it raises the question of why, in spite of resurgent terrorist attacks, we are still at the consultation stage with regard to arms trafficking, while a proposed directive has already been issued with regard to tightening laws on legal weapons;

4. points out that Europol data shows that 3 600 organised crime groups are active in the EU and that all these groups use weapons, regardless of the areas in which they operate; recalls that arms trafficking facilitates all other organised crime and terrorist activities, which is why it must be combated as a matter of priority;

5. supports all measures related to improving the collection and sharing of operational information, improving existing statistical and analytical tools at EU and national level, setting up inter-connected national focal points, enhancing Europol's role, carrying out risk controls on goods in commercial traffic, using the Explosives Control and Protection System as a traceability tool for trafficked weapons, systematically entering data relating to searches for firearms on European and international electronic platform, ensuring interoperability between the Schengen Information System (SIS) and the INTERPOL iARMS system, enhancing the exchange of ballistic information, etc.;

particularly welcomes the aim of enhancing information exchange between the institutions responsible at EU level, which will have benefits for the intelligence community, also in Romania, if it is achieved;

6. notes that the above mentioned actions, while extremely useful, can only partly address the problem of arms trafficking;

7. notes that the communication appears to focus on light weapons, disregarding heavy weapons trafficking, in spite of the escalation of terrorism, through the creation of Daesh-ISIL, which inspires, plans, finances, creates networks for and coordinates the terrorists who carried out the attacks within the European Union, as a result of being in possession of this category of weapon;

8. notes that the European Commission's initiative is restricted to proposing that 'cyber-patrol teams' be set up (omitting rapid intervention teams), to trace traffickers and seize weapons, with the right to intervene even without the cooperation of the Member State in which the offence took place, based on the model of the external border and coast guards, although it is clear that assessments, information systems coordination and vocational training are just tools which cannot by themselves stop arms trafficking; considers that arms trafficking needs to be stopped *in situ*, at the places of delivery and transport;

9. given the nature of the information and operations in the fight against arms trafficking, recommends that the intelligence services be given and assume a central role in combating arms trafficking, obviously in the context of effective collaboration between countries, otherwise the specific action to *'engage with partners to improve knowledge on the illicit trafficking of firearms covering inter alia online trafficking and the diversion of legal trade'* would be meaningless;

10. welcomes the European Commission's proposal to systematically integrate the illicit trafficking and use of firearms and explosives into security dialogues with key partner countries and organisations; notes, however, that if this provision were fully applied, relations with uncooperative states which are major suppliers of all categories of weapon, without respect for international agreements, would need to be reviewed;

11. welcomes the European Commission's intention to engage with the United Nations Office on Drugs and Crime (UNODC) with a view to developing internationally harmonised data collection, mapping out global firearms trafficking routes to the EU and encouraging cooperation with international and regional organisations focused on countering terrorism and organised crime, which share the same

values and general objectives;

12. accepts the European Commission's assessment that the current instability in the Middle East and North Africa region (MENA), especially the protracted conflicts in Libya and Syria, has drastically increased the level of illicit trafficking of firearms in the region, and that this presents a significant long-term security threat to the EU that needs to be addressed urgently;

in this context, notes that the terms used in the communication to describe what would be needed in the EU's relationships with Middle East and North African countries ('to *explore future cooperation*', 'to *seek to enhance cooperation*'), suggests the absence, for the time being, of the prospect of normalisation of the situation in states such as Syria and Libya and hence doubt about the possibility of establishing cooperative relationships with these states in the near future; however, considering the very serious nature of the security situation in the European Union, which is directly related to developments in the MENA region, recommends that the European Commission and the High Representative for Foreign and Security Policy take strong positions to ensure that those areas of foreign policy reflect European Union values;

13. notes that the European Commission's call for the regional approach to be complemented at bilateral level makes sense only if the European Union develops policies targeting tangible results, because otherwise it would mean that Member States should refrain from taking positions stronger than those of the EU, in order to comply with the provisions of the EU treaties;

14. notes that the EU's offer of counter-terrorism capacity development programmes to the Libyan authorities once a Government of National Accord is formed in Libya, is very limited compared to the EU's status as a global player; recommends that the European Commission and the High Representative for Foreign and Security Policy consider providing for significant peace-keeping forces and military missions to combat arms trafficking and terrorist groups;

also believes that military missions should be deployed in Syria, under an agreement with the Russian Federation and the USA;

15. considers that the emphasis that the Commission's communication places on the Action Plan on the illicit trafficking of firearms between the EU and the South East Europe Region for the years 2015-2019 is welcome, since there is indeed arms trafficking in the region, but highlights that large quantities of weapons and explosives that reach the European Union are trafficked from countries of the Commonwealth of Independent States at the European Union's eastern border; Middle Eastern and North African countries are also part of the illegal weapons network;

notes that these aspects are not addressed in the communication;

16. highlights that there are substantial differences in the administrative capabilities and resources of law enforcement bodies in the states of South East Europe and those of Western Europe, and that this would justify the European Commission urgently tackling arms trafficking from less developed EU countries, particularly as this would reduce arms trafficking from South East Europe

17. recalls that in its opinion on the legal acquisition and possession of weapons, it criticised the national authorities' tolerance of arms trafficking practised in commercial areas, such as ports, which national, European and international law enforcement bodies are fully aware of; reiterates its call for measures to destabilise the infrastructure of organised crime networks; regrets that these issues are not addressed in the European Commission's communication and encourages the European Firearms Experts Group to include appropriate instructions in the handbook for tracking and tracing illegal firearms;

18. takes note of the public debate in the Member States recently hit by terrorist attacks on the complicity between local politicians and organised crime groups/radical religious groups for political support in elections, and calls on the European Commission to include this issue in its analysis and propose support measures to prevent such practices in the future;

19. notes that according to data from the European Parliamentary Research Service, organised crime leaders in the EU are mainly Italian, Russian or Albanian; notes that no customised measures are provided for in the communication, although it is known that Italian organised crime structures have access to political and administrative bodies and the legal economy, while Russian organised crime structures have access to the economic resources and intelligence services of the Russian Federation;

20. notes the European Parliamentary Research Service's analysis of Russian organised crime structures, which reveals that these structures deal mainly with arms trafficking and are extremely powerful, as they control several sectors of the Russian economy, and that no measures exist at EU level to combat them; regrets that the European Commission continues to sidestep this subject;

21. with regard to the promotion of firearms buy-back schemes, highlights that buy-back is effective only if arms trafficking is drastically reduced from a given area within a given time, otherwise the European Commission would become the main customer of arms trafficking networks; therefore calls on the European Commission to present assessments based on sufficient, verified data showing the point of equilibrium between the number of arms taken off the black market and the number of arms entering the black market in a given area in a given time;

22. considering that most of the infrastructure of the internet is owned and operated by the private sector, supports the European Commission's plan to include the prevention and detection of illicit trafficking of firearms in its partnerships with the private sector; considers that tax or trade incentives should be offered and strong legal obligations should be established suspending corporate security policy on encryption if the authorities are trying to investigate criminal acts presenting a high imminent risk;

23. considers that EU financial assistance funds under the Instrument contributing to Stability and Peace, other EU assistance programmes or the CFSP budget, should be increased;

24. considers that the handbook for tracking and tracing illegal firearms to be developed by the Firearms Experts Group could be a useful but marginal tool, as it will not be able to cover all the specificities of arms trafficking hotspots;

25. notes that in the communication, the Commission does not address the issue of non-conventional weapons research centres, supported either by states or multinational corporations, or by organised crime groups, nor does it address the issue of large weapons production facilities located in non-EU countries, which are not subject to international legislation on arms control;

26. regrets that the Commission makes no reference in the communication to how to prevent terrorist groups from attempting to acquire weapons of mass destruction, nor to measures to deter state support of terrorism;

27. stresses that Romania actively participates in joint efforts to combat terrorism, including control

of arms, explosives and other elements that could be used in terrorism, through institutions responsible for national security.

*This Decision was adopted by the Chamber of Deputies at its sitting of 10 May 2016, in compliance with Article 76(2) of the Romanian Constitution, republished.*

**for the PRESIDENT OF THE  
CHAMBER OF DEPUTIES**

**Florin Iordache,**

Bucharest, 10 May 2016  
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