



EUROPEAN COMMISSION

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C(2016) 6246 final*

*Mr Florin IORDACHE
President of the
Camera Deputaților
Palace of the Parliament
Str. Izvor nr. 2-4, sector 5
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Dear President,

The Commission would like to thank the Camera Deputaților for its 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 final} and for its positive remarks on this initiative.

The main objective of the Communication setting out the EU Action Plan is to enhance and accelerate an effective law enforcement response to the illegal trafficking and use of firearms and explosives, in order inter alia to reduce the risk of diversion of such products from legal markets. An effective law enforcement response requires a better intelligence picture of the trafficking of firearms and the use of explosives, as well as improved statistical and analytical tools at EU and national level.

This Action Plan sets out specific actions for national law enforcement agencies, necessary to implement the European Agenda on Security¹ in the area of trafficking of firearms and explosives. It builds upon the Operational Action Plan 2016 under the EU Policy Cycle² on organised and serious international crime, under which the law enforcement of Member States organise joint actions and develop operational cooperation.

The Communication goes beyond the fight against firearms trafficking by also including explosives and by outlining possible legislative initiatives. Special attention is given to actions in those fields which have not been fully exploited yet, for example related to new technologies.

¹ COM(2015) 185 final.

² <http://www.consilium.europa.eu/en/documents-publications/publications/2015/eu-policy-cycle-tackle-organized-crime/>

The objective remains intensification of the exchange of information and operational cooperation between Member States, police and customs and other law enforcement authorities, involving Europol in particular but also key third countries and international organisations such as Interpol.

The Communication takes into account the need to ensure coherence between external action³, the Common Security and Defence Policy and the action of law enforcement agencies within the EU in the security domain⁴.

In response to the more detailed clarifications requested in the Opinion, the Commission would like to refer the Camera Deputaţilor to the attached annex.

The Commission hopes that the clarifications provided address the issues raised by the Camera Deputaţilor and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*

³ Joint Communication of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy on the Review of the European Neighbourhood Policy adopted on 18 November 2015.

⁴ Council Conclusions doc. 9798/15 of 10 June 2015 / Outcome of the 3396th Council Meeting 9951/15

ANNEX

The Commission has carefully considered each of the issues raised by the Camera Deputaţilor in its Opinion and is pleased to offer the following clarifications.

a) Improve existing statistics and developing assessment at national level on movements of small arms and light weapons

Accurate statistics on the use of firearms by criminals including terrorists is the starting point for a better understanding of the phenomenon, and are necessary in order to focus the law enforcement actions and to prepare policy in this domain. The Communication includes various actions to address the lack of a comparable system of collection of data at EU and international level.

The Commission aims to develop a capacity in all EU Member States by setting up national focal points. These national focal points can ensure effective interoperability between existing information systems, including SIS II, iARMS in relation with Europol Universal Format Message (UMF) and they can enhance the exchange of ballistic information. In addition, the EU Joint Research Centre (JRC) has been asked to include the study of technical aspects in its priorities.

In this respect, the role of Europol is crucial, namely through a rapid and comprehensive implementation of the Europol Analysis System and through the Firearms Focal Point, assisting Member States and supporting efforts to improve systematic monitoring of firearms.

Considering the efforts for a better cooperation with international bodies, the Commission is granting EUR 1.5 million to UNODC to fund the second phase of a mapping exercise to improve existing statistics and to develop the assessment of movements of firearms world-wide.

The focus on small arms and light weapons is consistent with similar international initiatives (UNODC, OSCE) and is based on the lessons learnt from recent terrorist attacks as well as the findings of a study conducted by the Commission, which pointed to the existence of specific loopholes in the current firearms legislation and law enforcement cooperation, allowing for legal firearms to be used in criminal or terrorist activities.

The Communication streamlines actions in this field by taking into full consideration the broader approach of parallel political commitment within the Common Security and Defence Policy.

b) Tightening controls of sales and prevent illicit manufacturing in commercial areas

Legal commercial areas such as firearms fairs, regularly held in many EU Member States and neighbouring countries, present an opportunity to acquire deactivated, blank firing, imitation and antique firearms and sometimes even weapons prohibited in the EU or in some Member States.

While the Commission has recently proposed a full revision of Directive 477/91⁵ which targets most of the shortcomings in the current EU legislation related to those issues, the monitoring of such trade fairs remains necessary. That is why the Commission will facilitate a dedicated threat assessment with a view to identify potential weaknesses around such events and their participants so as to prevent any potential illegal activities.

Recent events in Europe and in the world showed that the EU and in particular the customs administrations of EU Member States (the lead authorities for the control and fight against illegal trade in goods crossing the EU's external borders) need to scale up their common response in cooperation with other relevant parties. To do so, they need to define ways to address the risk that firearms pose to citizens and to define concrete recommendations for best practices on risk management, customs controls and enforcement.

That is why the 8th CCWP (Council's expert group "Customs Cooperation Working Party") Action Plan was adopted on 14 January 2016, prioritising areas posing the most serious threats and submitting them to specific actions. At the same time, the competent services of the Commission are active in the EUROPOL Firearms operation and the World Customs Organisation preparatory work for a worldwide Joint Customs Operation on Firearms.

c) Operational Actions against online trafficking

As set out in the Action Plan, Europol should play an important role in the monitoring of trafficking and illegal acquisition of firearms online, whether in the open web or the "dark web" through its Internet Referral Unit. Increased Member States' support to Europol action and commitment in setting up cyber-patrol teams could help to build a permanent national expertise to detect the online trafficking in firearms and explosives.

d) Organised crime access to political and administrative bodies and the legal economy

The EU Anti-Corruption Report chapter on Italy proposes to strengthen the integrity regime for elected and appointed officials at national, regional and local level, including through comprehensive ethical codes and dissuasive sanctions.

Moreover, through Europol, the EU facilitates Joint Operations on priority crimes and related criminal infrastructures in the EU and beyond.

Liaison officers from the EU Member States and officials from other international partners coordinate the exchange of information and intelligence between national law enforcement authorities from a 24/7 operational coordination centre located at Europol. Europol specialists and analysts provide support from the headquarters and also on the spot. The multi-disciplinary approach of those operations enables law enforcement authorities to link together actions covering several different crime priorities and areas such as human trafficking, drug trafficking, cybercrime and terrorism. This enhances the operational impact and ensures cost-effective cooperation between the law enforcement authorities involved.

⁵ http://europa.eu/rapid/press-release_IP-15-6110_en.htm

The Communication "Implementing the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives" has been adopted as part of an overall string of initiatives. As such, the Action Plan is to be viewed in coherence and complementary with previously agreed and developed measures.

Among them:

- *Europol has received increasingly stronger signals from EU Member States about a rise in the activities of Eurasian organised crime groups. Both strategic and operational information has indicated that Eurasian groups are moving to the European territory, which they perceive as vulnerable, accessible and profitable. The Member States most affected by these groups have been proactive in coming forward with an appropriate response, including the comprehensive involvement of Europol, through its specialised focal point EEOC (Eastern European Organised Crime groups). This has resulted in a large number of actions in different countries including the arrest of high level criminals;*
- *A similar approach has been adopted against Italian organised crime through the Europol focal point ITOC (Italian Organised Crime);*
- *The penetration of the legal economy by organised crime is also a horizontal priority of the EU policy cycle. Its relevance has been strengthened through the recent adoption of the Council conclusions on financial investigations;*
- *The Western Balkan dimension of the issue is also developed further below.*

e) Cooperation with Third Countries and coherence with other initiatives

The EU Comprehensive Approach, from December 2013⁶, is about working together better and enhancing the coherence, effectiveness and impact of the EU's policy and action, in particular in relation to conflict prevention and crisis resolution. It seeks to make best use of the EU's collective resources and instruments.

Progress in implementing the Comprehensive Approach comprises several initiatives and includes, inter alia, the revision of the Strategy for Security and Development in the Sahel. The EU's dialogue with, and support for, fragile and conflict affected states is another key area of work for the implementation of the New Deal for Engagement in Fragile states and the EU Conflict Early Warning System (EWS).

In addition, on 7 June 2016, the Commission published a communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration.⁷ The ultimate aim of the Partnership Framework is a coherent and tailored engagement where the Union and its Member States act in a coordinated manner putting together instruments, tools and leverage to reach comprehensive partnerships (compacts) with third countries to better manage migration in full respect of our humanitarian and human rights obligations.

⁶ JOIN(2013) 30 final.

⁷ COM(2016) 385 final.

Each compact will be designed with appropriate packages which combine different policy elements within the EU's competence (including security), leveraged towards the same objective.

The illicit trafficking and use of firearms and explosives will be systematically integrated into security dialogues with key partner countries and organisations. It represents a priority of the EU's policy on cooperation with neighbouring countries in the field of the security dimension, including on countering the illicit trafficking in human beings, the illicit trafficking of Small Arms and Light Weapons (SALW) and drug cooperation⁸.

The EU and its South East Europe partners share an interest in enhancing their cooperation against the common threats posed by the illicit trafficking of military-grade weapons and explosives.⁹ This cooperation was further developed through the adoption of an Action Plan on the illicit trafficking of firearms between the EU and the South East Europe Region for the years 2015-2019.¹⁰

On 29 January 2016, an EU/Western Balkan firearms experts' conference was held in Brussels. It defined the main actions to be delivered in 2016 which relate to the implementation of the Joint Action Plan on illicit trafficking in firearms, including better participation in Europol activities, improving intelligence sharing, better use of iARMS, joint meetings of European Firearms Experts/WB, coordination and complementarity of activities between the South East Europe Firearms Expert Group (SEEFEG) and the South Eastern and Eastern Europe Clearinghouse for the Control of the Small Arms and Light Weapons (SEESAC) together with other EU funded projects in the area of trafficking of firearms, joint operations.

Firearms trafficking investigation activities have been included in the bilateral meeting with Middle East and North African (MENA) countries to explore possible future cooperation with these countries. Following the conference between the Commission, EU and MENA countries in October 2015 to explore possible ways of cooperation in the fight against the illicit trafficking of firearms, the EU is pursuing bilateral engagement with countries in the region.

In this respect, on 27 June 2016 the European Union and Lebanon held a technical roundtable on fighting the illicit trafficking of firearms. The aims of the meeting were to establish contacts at the operational level and to enhance cooperation and exchange best practices in the fight against illegal trafficking of firearms.

⁸ Joint Communication of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy on the Review of the European Neighbourhood Policy. JOIN(2015) 50 final, 18 November 2015.

⁹ Since 2002, the EU has been supporting efforts to reduce the threat caused by the large scale accumulation of small arms and light weapons (SALW) and ammunition stockpiles in South East Europe (<http://www.seesac.org/news.php?id=495>). Various projects have been financed by the EU in the Western Balkan region with a view to improve the security of stockpile management.

¹⁰ Following the EU-Western Balkans Ministerial Forum on Justice and Home Affairs held in Tirana in 2012, a regional network of experts in firearms trafficking was set up in 2013. This led to the adoption of the Action Plan. It was endorsed in December 2014 by both the Council and by the Western Balkan partners at the EU – Western Balkans Ministerial Forum on Justice and Home Affairs in Belgrade.