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ANNEXES 1 to 4

ANNEXES

to the

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

2020-2025 EU action plan on firearms trafficking

ANNEX 1
List of relevant legislation and EU initiatives

EU legislation

- Council Directive 91/477/EEC on control of the acquisition and possession of weapons, *OJ L 256 13.9.1991, p. 51* (amended);
- Common Position (CFSP) 2008/944 of 8 December 2008 defining common rules governing control of exports of military technology and equipment, amended by Council Decision (CFSP) 2019/1560 of 16 September 2019, *OJ L 239, 17.9.2019, p. 16*;
- Directive 2009/43/EC of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community, *OJ L 146, 10.6.2009, p. 1*;
- 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, *OJ L 94, 30.3.2012, p. 1*;
- Commission Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable, *OJ L 333, 19.12.2015, p. 62* (amended);
- Commission Implementing Directive (EU) 2019/68 of 16 January 2019 establishing technical specifications for the marking of firearms and their essential components under Council Directive 91/477/EEC on control of the acquisition and possession of weapons, *OJ L 15, 17.1.2019, p. 18*;
- Commission Implementing Directive (EU) 2019/69 of 16 January 2019 laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons, *OJ L 15, 17.1.2019, p. 22*;
- Commission Delegated Regulation (EU) 2019/686 of 16 January 2019 laying down the detailed arrangements under Council Directive 91/477/EEC for the systematic exchange, by electronic means, of information relating to the transfer of firearms within the Union, *OJ L 116, 3.5.2019, p. 1*;
- Commission Implementing Decision (EU) 2019/689 of 16 January 2019 on a pilot project to implement certain administrative cooperation provisions set out in Council Directive 91/477/EEC by means of the Internal Market Information System; *OJ L 116, 3.5.2019, p. 75*.

International instruments

- 2001 Convention against transnational organised crime and its Protocol on Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;
- 2001 United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

- 2005 International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons;
- 2013 Arms Trade Treaty.

EU initiatives

General

- EU Policy Cycle 2014-2018, first operational action plan as part of the European Multidisciplinary Platform Against Criminal Threats.¹ This included numerous activities geared towards increasing the collection, gathering and production of intelligence, improving exchange of ballistics information, setting up national focal points, organising joint control operations on specific threats (converted weapons, gas and alarm weapons, parcel delivery), training and capacity building and international cooperation.
- *Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking*, Communication from the Commission to the Council and the European Parliament, COM (2013) 716 of 21.10.2013.
- *European Agenda on Security*, Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, COM (2015) 185 final of 28.4.2015.
- EU action plan against illicit trafficking in and use of firearms and explosives, COM(2015) 624 final, 2.12.2015.
- *Elements towards an EU Strategy against illicit Firearms, Small Arms & Light Weapons and their Ammunition*, Joint Communication of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (JOIN(2018) 17 final, 1.06.2018), endorsed by the Council, turning it into a fully-fledge EU Strategy (Council conclusions of 19 November 2018 – Document 13581/18).
- Commission report for an evaluation of the application of Regulation (EU) No 258/2012 on import, export and transit of civilian firearms, COM(2017) 737 final, 12.12.2017.
- Commission recommendation on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition, calling for strengthening EU rules to improve traceability and the security of export and import control procedures of firearms and the cooperation between authorities in the fight against firearms trafficking, C(2018) 2197 final, 17.4.2018.

South-east Europe

- *Action plan on the illicit trafficking of firearms between the EU and the south-east Europe region for 2015-2019*, 14 November 2014, Council Document 15516/14, adopted by the Council of 4 and 5 December 2014 (Council Document 16526/14); EU – Western Balkans Ministerial Forum on Justice and Home Affairs of 12 December 2014 in Belgrade.

¹ Doc. 16726/3/13 REV 3 RESTREINT UE/EU RESTRICTED.

- *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*, COM(2018) 65 final, 6.2.2018. Action 2.12 specifically focused on firearms trafficking.
- *Joint Action Plan on Counter-Terrorism for the Western Balkans*, signed by the representatives of the European Union and the six Western Balkans partners on 5 October 2018 at the EU-Western Balkans Justice and Home Affairs Ministerial in Tirana.² Addressing the issue of illicit trafficking of firearms is included among its five comprehensive objectives. Tailor-made counter-terrorism bilateral arrangements have been jointly developed and concluded with the authorities of all six Western Balkans partners.³ This includes key issues of firearms trafficking such as the establishment of fully operational firearms focal points. Priority actions are qualified by concrete indications of responsibilities, indicators and deadlines.
- *Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW and their ammunition*, London Summit of the Berlin Process on 10 July 2018. This initiative later received EU financial support through a Council Decision (CFSP) 2018/1788 of 19 November 2018 in support of the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) for the implementation of the Regional Roadmap on combating illicit arms trafficking in the Western Balkans which defines the overall coordination and monitoring of the Roadmap implementation, OJ L 293, 20.11.2018, p. 11.
- *Evaluation of the 2015-2019 action plan on firearms trafficking between the EU and the south-east Europe region*, Commission Report of 27 June 2019, COM(2019) 293 final, 27.06.2019. According to this evaluation report, the action plan improved networking, exchange of information and put in place the building blocks of future cooperation. However, several planned actions have not yet been fully implemented such as the establishment of firearms focal points, which are necessary for proper enforcement strategies, coordination, intelligence and information exchanges, both nationally and at European level. There is also still no harmonised data collection for firearms seizures which would enable an evidence-based policy and proper and reliable assessment of trafficking trends. Similarly, stakeholders did not develop a standard reporting format for the exchange of information as envisaged by the Action Plan.
- Council Decision (CFSP) 2019/2111 of 9 December 2019 in support of SEESAC disarmament and arms control activities in South-East Europe reducing the threat of illicit small arms and light weapons and their ammunition, OJ L 318, 10.12.2019: Since 2002, the EU has provided assistance to the Western Balkans through a consecutive number of Council Decisions providing financing for small arms control projects worth EUR 18,1 million.

² https://ec.europa.eu/home-affairs/sites/homeaffairs/files/news/docs/20181005_joint-action-plan-counter-terrorism-western-balkans.pdf.

³ The first two arrangements were signed by Commissioner Avramopoulos and the Ministers of Interior of Albania and of the Republic of North Macedonia in Brussels in 9 October 2019, see https://ec.europa.eu/home-affairs/news/news/20191009_security-union-implementing-counter-terrorism-arrangements-albania-north-macedonia. The agreement with Kosovo* was signed in Brussels on 30 October 2019. The last three, with Bosnia and Herzegovina, Montenegro and Serbia, were signed on 19 November 2019 in the margins of the JHA Ministerial Meeting in Skopje.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

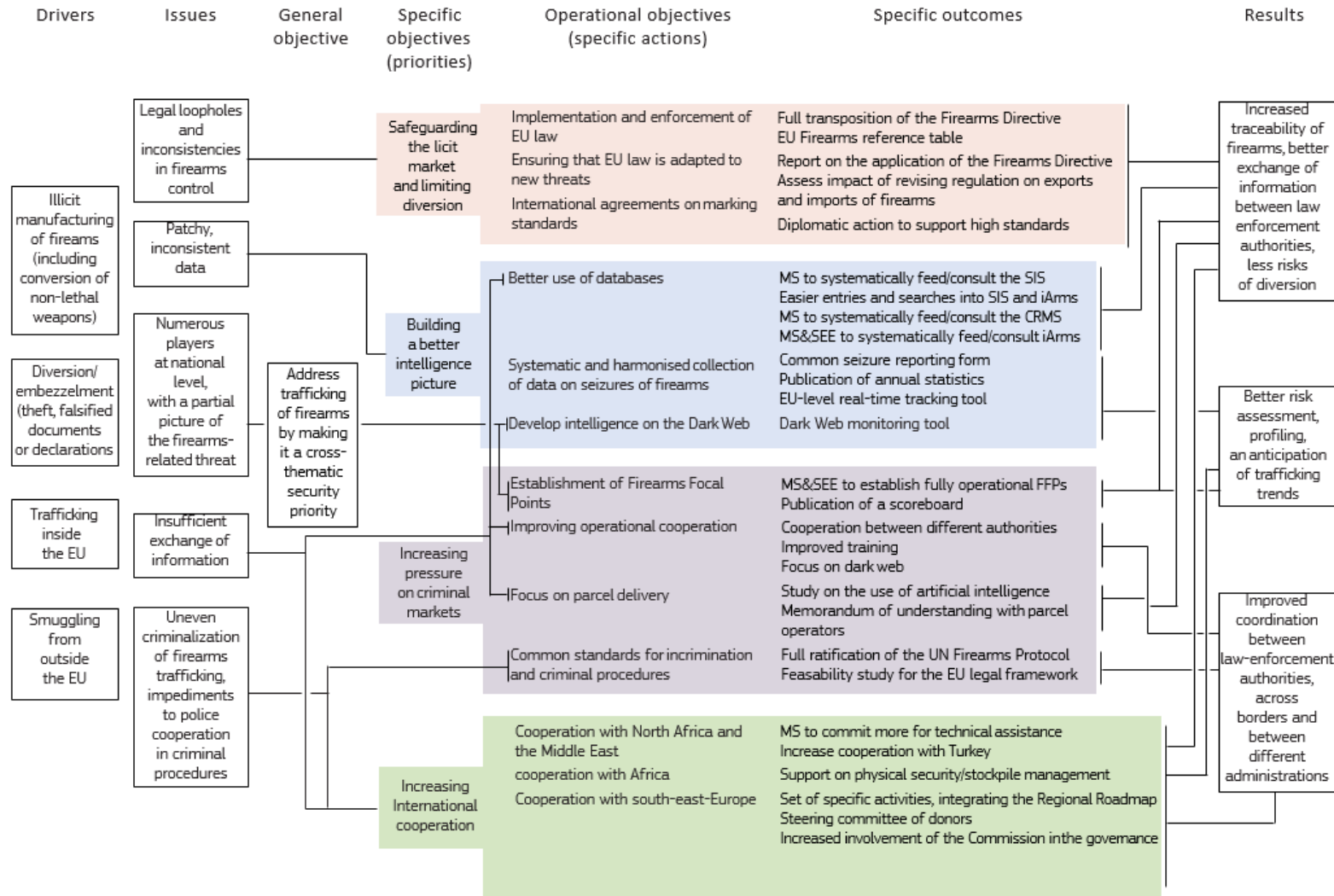
- Council Decision (CFSP) 2019/2009 of 2 December 2019 in support of Ukraine's efforts to combat illicit trafficking in weapons, ammunition and explosives, in cooperation with the OSCE; *OJ L 312, 3.12.2019, p. 42.*

These projects provided a comprehensive support to SALW control efforts and preventing arms trafficking in South East Europe. Since 2002, the key implementing partner of the assistance provided to the region by the Council has been UNDP's South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC). The new Council Decision of 9 December 2019 grants 11,8 million EUR for arms control activities in the next 4 years. The Small Arms and Light Weapons Commissions and the South East Europe Firearms Experts Network contribute to standardisation of approaches in the region and formulation of activities at the regional and local levels contributing to evidence based policy making; enhanced physical security and stockpile management; improved marking, tracking and record keeping; strengthening capacities for combatting illicit trafficking of firearms through support for establishment of Firearms Focal Points and strengthening of investigation capacities. Support has also been provided for awareness raising, collection campaigns of SALW and ammunition, transparency of arms exports in the region and integration of the gender perspective in SALW control.

- *Eastern Partnership policy beyond 2020*, Joint communication, JOIN(2020) 7 final, 18.3.2020; reiterated the call of the 2015 European Neighbourhood Policy (ENP) Review for an enhanced security dimension for the disruption of organised crime, including the trafficking of firearms.

ANNEX 2

Intervention logic of the EU Action Plan



ANNEX 3
Specific actions for south-east Europe and its cooperation with the EU

Actions	Time-frame ⁴	Corresponding Key Performance Indicators ⁵	Corresponding activities in the Regional Roadmap ⁶
Enabling conditions			
<i>Legal environment</i>			
Fully approximate legal control with EU legislation (including the 2017 revision of the Firearms Directive), including implementing acts on deactivation standards, on the marking of firearms and their essential components and on technical specifications for alarm and signal weapons.	2023	1.1; 1.2; 1.3	G1 T3
Modernise legal framework for firearms manufacturers and dealers	2020	1.1; 1.4; 1.5	G1 T2
Establish appropriate criminal legal framework to ensure prosecution and convictions of firearms trafficking.	2024	1.5 3	G1 T1 G3 T1

⁴ Timeframe of the Regional Roadmap.

⁵ See annex 4.

⁶ G= Goal; T=Target.

Actions	Time-frame ⁴	Corresponding Key Performance Indicators ⁵	Corresponding activities in the Regional Roadmap ⁶
Approximate criminal and operational procedures across the region to facilitate cross-border operational cooperation.	2023	1.1 3	G1 T4 G3 T1
Adopt the legal framework to allow legalisations of firearms and voluntary surrenders of firearms, ammunitions and explosives	2020	11	G5 T2
<i>Administrative structure</i>			
Establish fully operational and staffed firearms focal points in each jurisdiction.	2020	7	G2 T2 G2 T3
<i>Training and capacity-building</i>			
Improved processes, equipment and training of law enforcement units.	2024	7	G3 T2
Step up national trainings on countering firearms trafficking. Diversify attendance to CEPOL training courses.	2024	7	G3 T4

Actions	Time-frame ⁴	Corresponding Key Performance Indicators ⁵	Corresponding activities in the Regional Roadmap ⁶
Prevention and awareness-raising			
<i>Increasing stockpile security</i>			
Establish inspection systems and implement Life Cycle Management of small arms and light weapons, for both governmental and private facilities. Provide training and capacity-building to both.	2024	12.4	G7 T1 G7 T3 G7 T4
Ensure safe and secure storage for firearms	2024	13	G7 T2
<i>Stockpile reduction</i>			
Systematic destruction of surpluses and confiscated weapons	2024	12.2, 12.3, 12.5, 12.6	G6
<i>Voluntary surrenders and buy-back programmes</i>			
Establish national and regional programmes for deactivation, legalisation, and voluntary surrenders, and destruction according to the standards.	2024	11	G5 T3
<i>Awareness-raising campaigns and gender dimension</i>			
Establish awareness-raising campaigns in the general population, and with specific audiences (e.g. manufacturers, licensed private and legal persons),	2024	2 14	G4

Actions	Time-frame ⁴	Corresponding Key Performance Indicators ⁵	Corresponding activities in the Regional Roadmap ⁶
building advocacy networks.			
Fully integrate gender concerns in firearms control policies, and ensure proper representation of women in firearms control and law enforcement.	2022	2.3	G2 T9
Stronger law enforcement			
<i>Intelligence</i>			
Standardize procedures, systematize exchange of information, including outside of individual investigations.	2023	9	G1 T5
Establish comprehensive data collection on firearms denials (of ownership, transfers, import or export authorisations), on gun crime, on firearms seizures. Systematize collection of criminal justice data from all players (police, customs, prosecutors, courts, prison services). Issue regular gun crime analysis reports, and threat assessments.	2024	2.2 3 6 7 8	G2 T1 G2 T5 G3 T1
Systematic collection of data regarding lost and stolen firearms and essential components with the aim of tracing including the use of iARMS.	2022	5 7	G2 T8

Actions	Time-frame ⁴	Corresponding Key Performance Indicators ⁵	Corresponding activities in the Regional Roadmap ⁶
<i>Rigorous legal control</i>			
Collect detailed statistics on firearms ownership and movements (imports and export authorisations).	2024	2	G2 T1 G5 T4
Strengthened control, monitoring and prevention of diversion.	2024	1; 6.3; 6.4	G1 T5 G3 T3 G5 T1, G5 T4
Strengthen operational cooperation (joint patrols, increased involvement of police and customs cooperation, including the cooperation centres), increased use of international assistance and special investigation tools provided by EMPACT and Europol.	2024	9	G3 T4
<i>Tracing</i>			
Establish systematic tracing of all weapons seized, and sharing of information with Europol.	2024	5	G1 T5 G2 T7
<i>Ballistic analysis</i>			
Systematise ballistics analysis and facilitate exchange of ballistic information	2020	7	G2 T4

Actions	Time-frame ⁴	Corresponding Key Performance Indicators ⁵	Corresponding activities in the Regional Roadmap ⁶
<i>Exchange of information at all stages</i>			
Continue regular exchange of good practices in a streamlined administrative environment (less overlaps between meetings, clearer expectations of the meeting results, clear mandate and ability to take commitments given to country representatives), and involving customs, police, forensics, prosecutors and court services.	2023		G1 T6
Ensure systematic exchange of operational and strategic information in EMPACT Firearms (use of the appropriate SIENA strings), with Europol, Frontex and Eurojust. Ensure that information requests and submission of information get regular and systematic feedback from the recipient.	2024	8	G2 T4 G2 T6
Gather information and build a sound intelligence picture on the use of Darknet for illicit trade of firearms, in the framework of the EU Policy Cycle.	2021		

ANNEX 4

Key Performance Indicators

The following indicators were developed in the Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of Small Arms and Light Weapons (SALW) and their ammunition in the Western Balkans by 2024. They are worded in this annex in a way to apply also to EU Member States. This does not affect the way Western Balkans partners have started to report on the implementation of the Roadmap. The numbering of the indicators is unaltered.

1. Number of legal frameworks on arms control fully harmonized with the EU legislation,⁷ the Arms Trade Treaty and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (The Firearms Protocol)
 - 1.1. Arms control legislative acts regarding the civil use of firearms and ammunitions in line with the relevant EU Directives on firearms and ammunition;
 - 1.2. Arms control legislative acts regarding the civil use of explosives harmonized with the relevant EU Directives on explosives;
 - 1.3. Arms control legislative acts regarding the military use of firearms, ammunition and explosives harmonized with Directive 2009/43/EC;
 - 1.4. Arms export control legislative acts in line with Common Position CFSP 2008/944 and the Arms Trade Treaty;
 - 1.5. Arms control legislative acts in line with the Firearms Protocol.

2. South-east Europe only: Number of evidence-based arms control policy documents, developed in each jurisdiction, that are also addressing needs of men, women, boys and girls;
 - 2.1. SALW Strategy is in place.
 - 2.2. SALW Strategy is evidence-based.
 - 2.3. SALW Strategy addresses the needs of men, women, boys and girls.

3. Number of cases, individuals concerned, and quantity of misused and trafficked firearms, ammunition and explosives (FAE) prosecuted and adjudicated in comparison to the number of law enforcement reports on respective seizures;

4. Number of cases and quantity of FAE seized inland (including on borders between Member States inside the European Union) compared to the number of cases and quantity of FAE seized at the external borders (borders of south-east Europe partners or EU external border);
 - 4.1. Number of cases of FAE seized inland;
 - 4.2. Number of firearms seized inland;

⁷ See footnote 1 above.

- 4.3. Number of pieces of ammunition seized inland;
- 4.4. Quantity of explosives seized inland;
- 4.5. Number of cases of FAE seized at the external border;
- 4.6. Number of firearms seized at the external border;
- 4.7. Number of pieces of ammunition seized at the external border;
- 4.8. Quantity of explosives seized at the external border.

5. Number of reported cases of FAE seized at the borders of the European Union and traced to south-east Europe, compared to the number of FAE seized throughout the European Union and traced to or diverted from south-east Europe;
 - 5.1. [not applicable – already covered by 4.2]
 - 5.2. [not applicable – already covered by 4.3]
 - 5.3. [not applicable – already covered by 4.4]
 - 5.4. Number of firearms seized at the borders of the EU and traced to south-east Europe;
 - 5.5. Quantity of ammunition seized at the borders of the EU and traced to south-east Europe;
 - 5.6. Quantity of explosives seized at the borders of the EU and traced to south-east Europe;
 - 5.7. Number of firearms seized throughout the EU and traced to south-east Europe;
 - 5.8. Quantity of ammunition seized throughout the EU and traced to south-east Europe;
 - 5.9. Quantity of explosives seized throughout the EU and traced to south-east Europe.

6. Number of FAE for which export licenses were issued by national competent authorities, and identified as diverted
 - 6.1. Number of arms export licenses issued and realized;
 - 6.2. Number of ammunition export licenses issued and realized;
 - 6.3. Number of cases in which arms, for which licenses were issued and realized, were identified as diverted
 - 6.4. Number of cases in which ammunition, for which licenses were issued and realized, were identified as diverted through post-shipment control procedures.

7. Firearms Focal Points and capacity-building
 - 7.1. Firearms Focal Points (FFP) established and operational in each jurisdiction, meeting the standards of the EU Best practice guidance;⁸
 - 7.2. Number of staff that received training on the firearms threat at EU level (CEPOL trainings, notably) and at national level (including cascading training).

⁸ 15 May 2018, Council Document N. 8586/18.

8. Number of inter-institutional cooperation cases at operational level, including investigation, prosecution and pretrial phases;
 - 8.1. Number of FAE-related incidents recorded by national law enforcement authorities;
 - 8.2. FAE cases processed by the misdemeanour judge;
 - 8.3. FAE cases solved by the misdemeanour judge;
 - 8.4. Number of FAE cases dropped by the prosecutor;
 - 8.5. Number of FAE cases dropped by the judge/pretrial judge.

9. Number of cases of operational cooperation sourced from intelligence information including ballistic intelligence in the fight against firearms-related crimes, with EU member states, south-East Europe authorities, and agencies as well as international law enforcement agencies;
 - 9.1. Number of intelligence-led cases of operational cooperation at the jurisdiction level;
 - 9.2. Number of intelligence-led cases of operational cooperation in south-east Europe;
 - 9.3. Number of intelligence-led cases of operational cooperation with Frontex;
 - 9.4. Number of intelligence-led cases of operational cooperation with Europol/EMPACT;
 - 9.5. Number of bilateral intelligence-led cases of operational cooperation between south-east Europe partners and EU Member States that do not involve Europol;
 - 9.6. Number of intelligence-led cases of operational cooperation with Interpol.
 - 9.7. EU-only: Number of bilateral intelligence-led cases of operational cooperation between EU Member States that do not involve Europol/EMPACT;
 - 9.8. EU-only: Number of entries and searches in the Schengen Information System;
 - 9.9. EU-only: Number of entries and searches in the Customs Risk Management System;

10. Number of incidents involving firearms and victims affected by the misuse of firearms, disaggregated by gender and age, in each jurisdiction;
 - 10.1. Number of incidents committed with legal and illegal firearms;
 - 10.2. Number of persons murdered with firearms, by gender and age;
 - 10.3. Number of persons injured with firearms, by gender and age;
 - 10.4. Number of persons who committed suicide with firearm, by gender and age.

11. Number of firearms and ammunition voluntarily surrendered, as well as firearms legalized or deactivated;
 - 11.1. Number of firearms voluntarily surrendered;
 - 11.2. Number of ammunition voluntarily surrendered;
 - 11.3. Number of firearms legalized;
 - 11.4. Number of firearms deactivated according to EU standards.

12. Number of reported SALW/firearms, ammunition, and explosives (confiscated or surplus) systematically destroyed
 - 12.1. Quantity of reported firearms/ammunition/explosives confiscated;
 - 12.2. Quantity of firearms/ammunition/explosives confiscated and destroyed;
 - 12.3. Quantity of firearms/ammunition/explosives confiscated and disposed of in another ways;
 - 12.4. Quantity of surplus firearms/ammunition/explosives;
 - 12.5. Quantity of surplus firearms/ammunition/explosives destroyed;
 - 12.6. Quantity of surplus firearms/ammunition/explosives disposed of in another way.

13. Number of SALW/firearms and their ammunition storage facilities in line with international safety and security standards;
 - 13.1. Number of SALW and ammunition military storage facilities;
 - 13.2. Number of SALW/firearms and ammunition law enforcement storage facilities;
 - 13.3. Number of firearms and ammunition civilian storages;
 - 13.4. Number of military storage facilities in line with safety and security international standards;
 - 13.5. Number of law enforcement storage facilities in line with safety and security international standards;
 - 13.6. Number of firearms and ammunition civilian storages in line with safety and security international standards.

14. Percentage of citizens' satisfaction (disaggregated by age and gender) or feeling of safety on armed violence.
 - 14.1. Percentage of citizens feeling threatened by the illegal possession and misuse of weapons.