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Security Fund — Police

Options for Enhancing Operational Instruments in the Area of Firearms Trafficking

Final report of Project ECOFIT

ISFP-2018-AG-OC-FIRE-869146





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www.transcrime.it/ecofit/

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List of acronyms and abbreviations

ISO Code country

AL	Albania	DE	Germany	MK	North Macedonia
AT	Austria	EL	Greece	NO	Norway
BE	Belgium	HU	Hungary	PL	Poland
BA	Bosnia and Herzegovina	IE	Ireland	PT	Portugal
BG	Bulgaria	IT	Italy	RO	Romania
HR	Croatia	LV	Latvia	RS	Serbia
CY	Cyprus	LT	Lithuania	SK	Slovakia
CZ	Czech Republic	LU	Luxembourg	SI	Slovenia
DK	Denmark	MT	Malta	ES	Spain
EE	Estonia	MD	Moldova	SE	Sweden
FI	Finland	ME	Montenegro	CH	Switzerland
FR	France	NL	Netherlands	TR	Turkey
				UK	United Kingdom

Acronyms

ECOFIT	Options for Enhancing Operational instruments in the area of Firearms Trafficking
EMPACT	European Multidisciplinary Platform Against Criminal Threats
CEPOL	European Union Agency for Law Enforcement Training
MS	Member State
LEA	Law Enforcement Agency
CIS	Custom Information System
EAS	EUROPOL Analysis System
EIS	EUROPOL Information System
SIENA	EUROPOL Secure Information Exchange Network Application
IBIN	INTERPOL Ballistic Information Network
iARMS	INTERPOL Illicit Arms Records and tracing Management System
SIS	Schengen Information System
UN-IAFQ	United Nations Illicit Arms Flows Questionnaire
JIT	Joint Investigation Team
NFP	National Firearms Focal Point
UNTOC	United Nations Convention against Transnational Organized Crime
UNODC	United Nations Office on Drugs and Crime

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Executive summary

Project ECOFIT – Options for Enhancing Operational instruments in the area of Firearms Trafficking (www.transcrime.it/ecofit/) is a research project co-funded by the European Union's Internal Security Fund – Police (ISFP-2018-AG-OC-FIRE).

Project ECOFIT aims to **enhance operational cooperation** between Law Enforcement Agencies (LEAs) in the fight against firearms trafficking across the 27 EU Member States (MSs) and seven non-EU SELEC MSs (Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia and Turkey). It analyses **five operational instruments** that have been selected as indicators of international cooperation, namely: mechanisms for data collection, mechanisms for data sharing, National Firearms Focal Points (NFPs), joint criminal investigations and controlled delivery procedures. Based on the findings of the Project, it provides **recommendations for the EU and guidelines for LEAs** concerning how to better put into action these instruments and how to more effectively reduce, prevent and tackle illicit trafficking of firearms offences.

In order to achieve its objectives, Project ECOFIT conducts **five impact assessments** (one for each of the operational instruments included in the analysis). The methodology utilises the Better Regulation “Toolbox” of the European Commission (European Commission 2017).

Besides the definition of the problem addressed by Project ECOFIT and the methodology, the results have been grouped into five sections, each of which are devoted to a specific operational instrument.

The suggested policy options would enhance the level of operational cooperation in firearms trafficking investigations by:

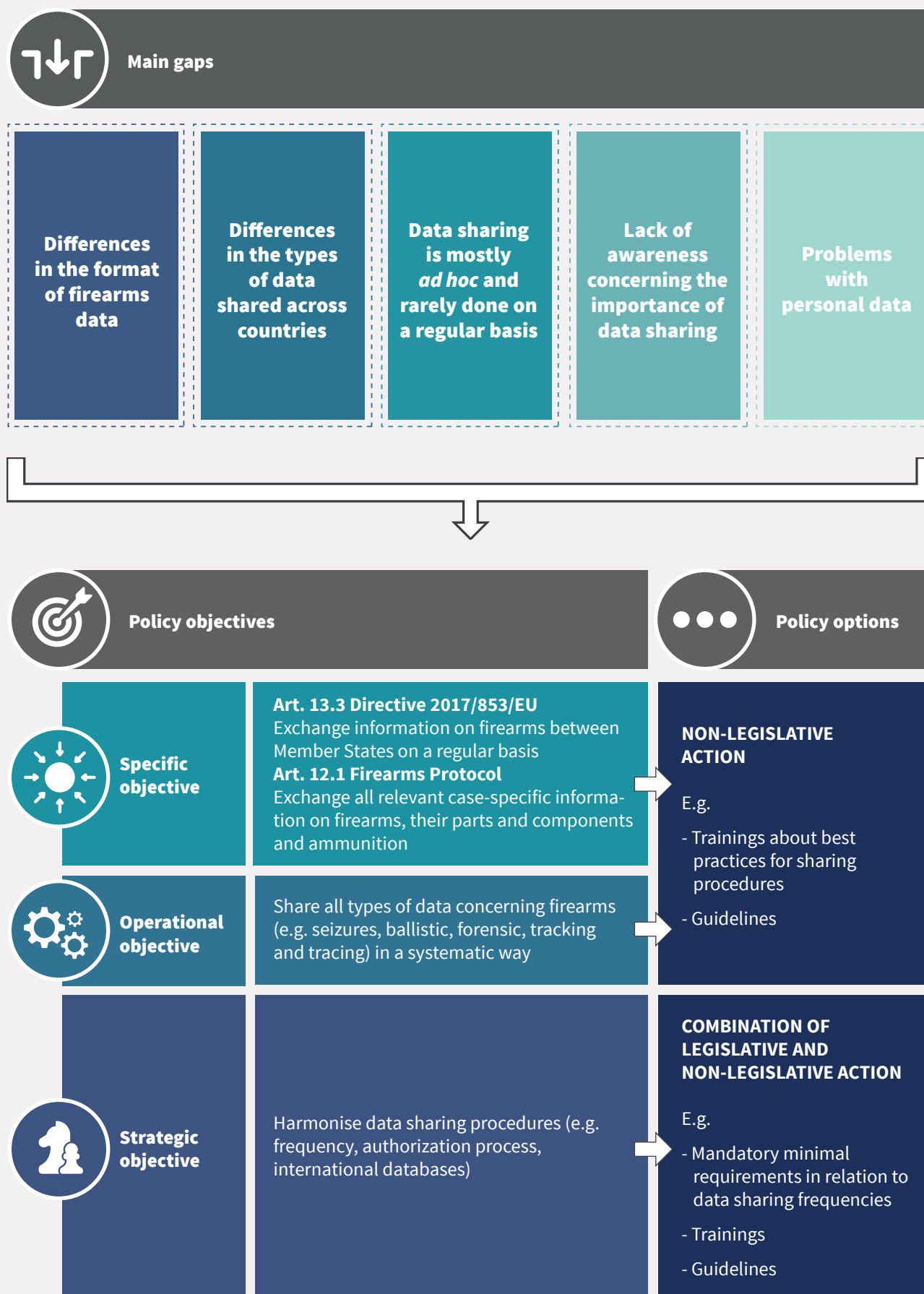
- Improving the intelligence picture (collection and exchange of systematic and harmonised information between LEAs, knowledge on *modi operandi*, tactics, new trends, etc.);
- Intensifying the pressure on criminal markets (fully operational NFPs, joint actions, etc.).

The five operational instruments are strongly interrelated, as also stressed by EMPACT Firearms: having fully staffed and operational NFPs will enhance both data collection and data sharing procedures as well as facilitating the standardisation of practices amongst countries.

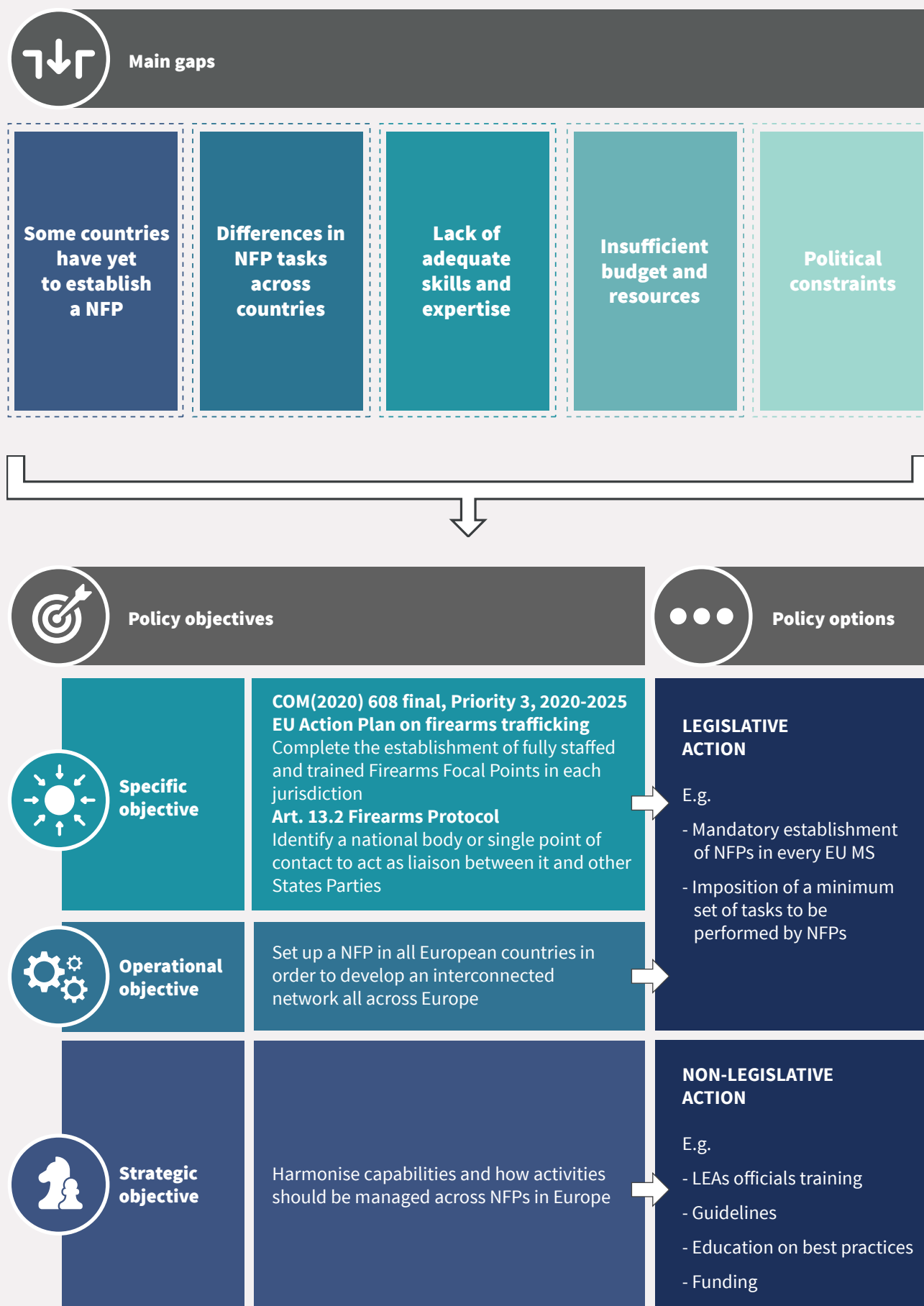
A. MECHANISMS FOR DATA COLLECTION



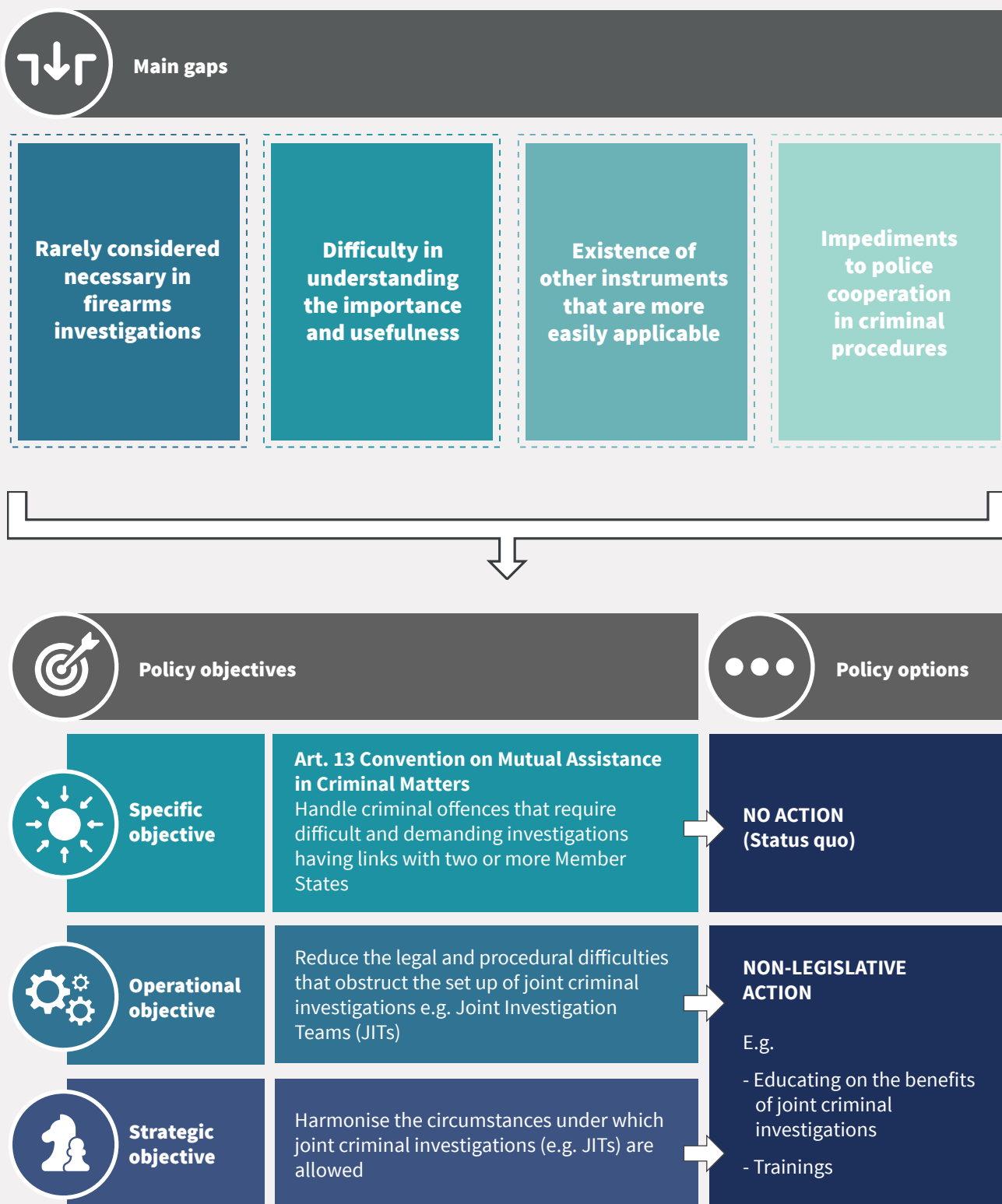
B. MECHANISMS FOR DATA SHARING



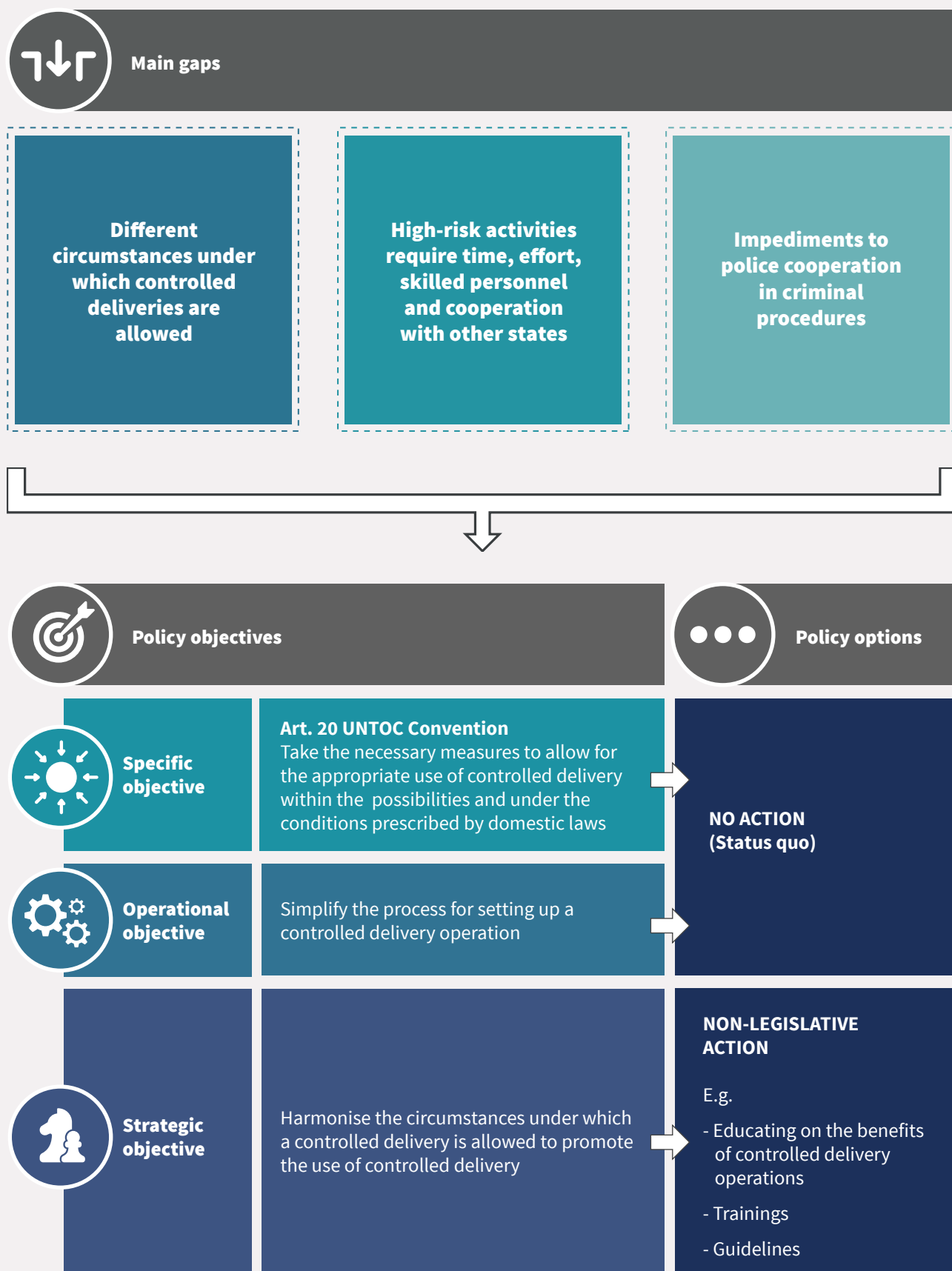
C. NATIONAL FIREARMS FOCAL POINTS



D. JOINT CRIMINAL INVESTIGATIONS



E. CONTROLLED DELIVERY PROCEDURES



Introduction

Project ECOFIT

This report presents the final results of **Project ECOFIT** – Options for Enhancing Operational Instruments in the area of Firearms Trafficking (www.transcrime.it/ecofit/). ECOFIT is a research project **co-funded by the European Union's Internal Security Fund – Police** (ISFP-2018-AG-OC-FIRE). The duration of Project ECOFIT was 18 months, beginning in November 2019 and ending in May 2021.

Project ECOFIT was carried out by an international consortium coordinated by **Transcrime – Università Cattolica del Sacro Cuore** (Italy). The other partners are:

- **SELEC – Southeast European Law Enforcement Center.**
- **Tilburg University;**

Three external experts also contributed to the Project:

- **Simonetta Grassi** (United Nations Office on Drugs and Crime – UNODC);
- **Martin van der Meij** (EUROPOL);
- **Ian Head** (National Ballistics Intelligence Service – NABIS).

Project ECOFIT aims to **enhance operational cooperation between Law Enforcement Agencies (LEAs)** in the fight against firearms trafficking in the **27 EU Member States** (MSs) and **seven non-EU SELEC MSs** (Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia and Turkey). It takes into consideration five main operational instruments that are used as indicators of international cooperation:

- Mechanisms for data collection;
- Mechanisms for data sharing;
- National Firearms Focal Points (NFPs);
- Joint criminal investigations;
- Controlled delivery procedures.

Contribution of Project ECOFIT

Project ECOFIT provides a **better understanding of the operational cooperative instruments** that are available to LEAs and it aims to **enhance operational law enforcement cooperation in the area of firearms trafficking investigations** across EU MSs and SELEC MSs. Through the identification of best practices, Project ECOFIT results in the formulation and proposal of recommendations that could be adopted at the EU level to **reduce, prevent and tackle illicit trafficking of firearms offences more effectively**. More specifically, Project ECOFIT addresses four main objectives:

- To **identify existing gaps** across 27 EU MSs and seven non-EU SELEC MSs in relation to the five operational instruments under consideration;
- To **define policy objectives** aimed toward maximising both the effectiveness and efficiency of the five operational instruments;
- To **carry out an impact assessment** of the available policy options that could achieve these results;
- To **propose recommendations to the EU and guidelines to LEAs** concerning the implementation of the best policy option(s) identified.

Project ECOFIT consolidated the level of cooperation between national LEAs with respect to both detecting and investigating firearms trafficking related offences through operational initiatives. Consequently, it impacts upon the prosecution of such crimes as well as facilitating the work of judicial authorities, especially in cross-border contexts.

The results of Project ECOFIT will benefit a wide range of stakeholders in the EU and beyond by:

- Strengthening the operational role played by LEAs;
- Improving cooperation in investigations of trans-border firearms trafficking offences;

- Supporting effective cross-border cooperation between judicial authorities and LEAs;
- Ensuring coordination across bilateral, regional and multilateral actions and initiatives.

The beneficiaries of Project ECOFIT are:

- In the short-term: the European Commission, LEAs within the 27 EU MSs and seven non-EU SELEC MSs;
- In the medium-term: UNODC, EUROPOL and other international institutions;
- In the long-term: policymakers within the 27 EU MSs and seven non-EU SELEC MSs.

Structure of the report

The final report is organised into **seven sections**: the first two sections are general, while the other five specifically correspond to the five operational instruments analysed in Project ECOFIT. More specifically, the first section presents a general overview of firearms trafficking, before proceeding to provide a definition of the problem and the resultant need for Project ECOFIT. The second section delineates the methodology employed to carry out the project activities. Each of the other five specific sections examine one operational instrument and address the following issues:

- Gap analysis;
- Policy objectives and intervention logic;
- Policy options;
- Analyses of the impact;
- Monitoring the impact of the selected policy option;
- Recommendations for the EU and guidelines for LEAs.

Finally, the last part of the report concludes by discussing the results and their implications.

Defining the problem

Firearms are incredibly dangerous goods that can feed into violent crime and on-going conflicts, by facilitating the escalation from political disputes to violence. Given the deadly impact of firearms when used for criminal or terrorist purposes, firearms trafficking poses a **severe threat to the security**, which, in turn, creates the **necessity for strong cooperation between national and international LEAs** to prevent the commission of these offences.

Fighting firearms trafficking has been on the **European agenda** for many years. The European Union has taken many initiatives to prevent this illicit trade and has reinforced the firearms legislation. Despite this, many **challenges** still persist, specifically: the national legal frameworks and definitions continue to be different across countries; data on firearms are not comprehensive and comparable; the sharing of information is not systematic; there is a lack of communication and coordination between different authorities at national and international level; and not all countries have set up a fully operational NFP. In addition, **new trends** are emerging, such as the technological improvements in 3D printing, the use of post parcel and postal services to traffic firearms parts, and more sophisticated conversion techniques (European Commission 2020b).

To respond to all these challenges, EUROPOL has consistently named the fight against firearms trafficking as **one of the key priorities in its multiannual policy cycles** for organised and serious international crime, included the last one (2022–2025). **EMPACT Firearms** stresses amongst its priorities the importance of developing a precise intelligence picture, which is reliant on **cooperation between the NFPs** of EU MSs as well as both Western Balkan and third countries (European Council 2021).

Also the European Commission in the **2020-2025 EU Action Plan on firearms trafficking** reiterates its commitment in the field by pointing out **four priorities**, i.e. safeguarding the licit market and limiting di-

version; building a better intelligence picture through a more effective, efficient and harmonised collection and sharing of firearms data across countries; increasing pressure on criminal markets mainly through NFPs and an improvement in the **cooperation between law enforcement authorities**, prosecutors and other actors (e.g. forensic specialists, parcel and postal operators); and stepping up international cooperation mainly with non-EU countries (e.g. North Africa and Middle East) (European Commission 2020b).

In addition to the existing challenges and the new trends, it is also important to highlight that the demand for illegal firearms from organised crime groups, violent extremists and individual violent actors profoundly influences the illegal supply of firearms across different trafficking routes (Savona and Mancuso 2017). One of the strategic recommendations of **SELEC's Organized Crime Threat Assessment for Southeast Europe 2018** (OCTA SEE 2018) is the use of special investigative techniques to respond to crime effectively. LEAs must adapt and improve their investigative tools to keep pace with the increasingly sophisticated methods of firearms trafficking.

These evolving circumstances with respect to firearms trafficking stress a **growing need both for improving and adapting the investigative means** to the more sophisticated conditions of firearms trafficking, and for **strengthening international police cooperation** to prevent and fight against this illicit trade.

Given how important **cooperation amongst different national and international LEAs** is to combatting firearm trafficking, and the **specific investigative techniques** that are required to effectively rise to the manifold challenges posed by this specific offence, it is paramount to **explore and understand** in depth the available **forms of cooperation amongst LEAs** and the **investigative techniques** they rely on to **improve and make them more efficient**.

Project ECOFIT addressed these specific needs by understanding how five operational instruments that are of particular relevance for firearms trafficking investigations are currently being utilised by EU MSs and non-EU SELEC MSs, in order to then identify how these instruments can be improved. This, in turn, creates an opportunity to both **strengthen existing channels of cooperation amongst LEAs and identify potential scenarios in which further cooperation might prove to be valuable.**

Project ECOFIT specifically focused its attention on the following five operational instruments, which can be categorised into organisational, strategical, and tactical operational instruments:

Organisational operational instruments:

- Mechanisms for data collection;
- Mechanisms for data sharing;
- NFPs.

Strategical operational instrument:

- Joint criminal investigations.

Tactical operational instrument:

- Controlled delivery procedures.

The priority of the EU policy cycle for organised and serious international crime and the attendant policies to address it are part of the legal framework of Project ECOFIT, which includes Article 87 of the Treaty on the Functioning of the European Union (TFEU) and:

- The 1991 **Firearms Directive** and its related amendments: Directive 2008/51/EC implementing the UN Firearms Protocol, and Directive (EU) 2017/853 dealing with the control of acquisition and possession of weapons within the EU;
- The **Regulation No. 258/2012**, which deals with firearms imports-exports from the EU to/through third countries.

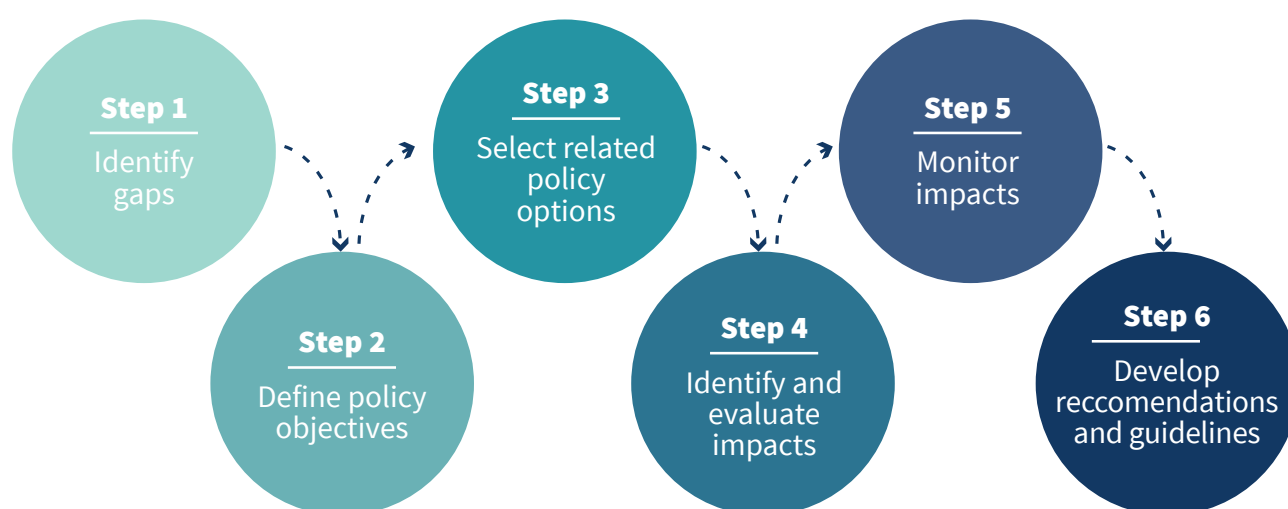
The next section presents the methodology used to reach the objectives of the Project.

Methodology

The research team conducted **five impact assessments** to investigate the five operational cooperation instruments used by LEAs in the fight against firearms trafficking, and assess how to better put them into action to **reduce, prevent and tackle illicit trafficking of firearms offences more effectively**.

The methodology followed the steps outlined by the European Commission in the Better Regulation “Tool-box” (European Commission 2017). These steps are displayed in Figure 1.

Figure 1. Steps in the impact assessment process



Step 1: Identify gaps

The first step involves the identification of gaps in the use of the five operational instruments: Mechanisms for data collection; Mechanisms for data sharing; NFPs; Joint criminal investigations; and Controlled delivery procedures. To achieve this, an *ad hoc* survey was disseminated amongst specific stakeholders in EU MSs, the United Kingdom (UK), Switzerland, and Norway, and seven non-EU SELEC countries (Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia and Turkey) to understand if and how each operational instrument works at the national level.

Construction of Project ECOFIT’s survey

In order to create an appropriate survey, a strict construction process was followed.

The first activity carried out was a **review of existing regulations, surveys, data, information and scientific literature on firearms trafficking**, with a specific focus on the five operational instruments included in the analysis. The aims of this preliminary activity was to both gather already existing data and identify any missing information, which would then be addressed in the survey.

The second step was to **construct the survey** in such a way that filled the identified knowledge gaps.¹ The survey was divided into five sections that were independent from one another, with each pertaining to a specific operational instrument. The added value of this structural choice is that each section could be di-

1. The entire survey and the complete list of the responding institutions and countries are available on the Project ECOFIT website.

rected towards the most competent institution, thus minimising the amount of non-responses stemming from a lack of knowledge on a specific topic, while, simultaneously, ensuring that the information provided was reliable and of the highest quality. Each section comprised:

- An introduction to the instrument;
- A terminology section (useful for avoiding any confusion due to differences in technical jargon across different MSs);
- Specific questions on the instrument. Certain questions were inserted with the express aim of addressing knowledge gaps in order to develop the impact assessment according to what emerged from the review of extant information.

Project ECOFIT's survey favoured multiple-choice questions over open-ended ones, insofar as it both eased the process of completion and maximised the expected response rate.

The third step was to **check the quality of the survey**. To this end, the survey was shared with the Steering Committee of Project ECOFIT, which comprised the aforementioned partners and three external experts,² as well as with the European Commission, in order to ensure that the questions were not duplicates of existing surveys and were clear and precise in their formulation.

Dissemination of Project ECOFIT's survey

In order to give the respondents greater freedom, they were provided with three different options of how they could complete the survey:

- A PDF file version of the questionnaire, which the respondent would complete and then send to the co-applicants;
- An online version that could be completed directly on the web platform of the survey provider (SVMK Inc.);

- An interview with one of the researchers involved in Project ECOFIT.

Each respondent was free to select one of the above options based on their own preference.

The survey platform chosen to construct the online version of Project ECOFIT's questionnaire was SurveyMonkey.³ It allowed for the reproduction of the five-section structure of the original questionnaire, complete with a skip-question function to guide respondents through the completion of the survey. In order to ensure compliance with the General Data Protection Regulation, the amount of personal data collected was kept to a minimum, while the respondents were given the option to freely edit or even delete their answers after having completed the questionnaire.

The creation of an online version of the questionnaire was an important part of the process, insofar as the increased availability allowed more than one institution in each country to easily participate.

The dissemination of the questionnaire itself started in early March 2020. It was carried out thanks to the support of the external experts involved in Project ECOFIT.

The main channels through which Project ECOFIT's questionnaire was distributed are:

- European Firearms Expert group;
- EUROPOL's Secure Information Exchange Network Application (SIENA);
- SELEC Information Exchange System;
- SAFE-n (SELEC Associated Firearms Experts Network) developed under Project SIRAS Strengthening the fight against firearms trafficking in South-eastern Europe (HOME/2015/ISFP/AG/TDFX/4000008735);
- Direct contact between the experts involved and the co-applicants;
- Direct forwarding by one of the respondents to others more competent.

2. Three experts: Simonetta Grassi from UNODC, Ian Head from NABIS and Roberto Codesal from EUROPOL. This latter was substituted by Martin van der Meij in April 2020.

3. Link to the website of the survey: www.surveymonkey.com

The Driver of EMPACT Firearms was also contacted to make EMPACT aware of both Project ECOFIT and the survey.

Several reminders were sent to potential respondents to increase the response rate.

Profile of the respondents and overview of the responses

The survey was directed towards representatives of the various LEAs (Customs and Police) in charge of firearms trafficking and related offences in both the 27 EU MSs and the seven non-EU SELEC MSs. As aforementioned, the data collection also included the UK, Norway and Switzerland, because they are both crucial countries for the illicit trafficking of firearms and part of the distribution channels used to disseminate the survey. These channels and the independent structure of the questionnaire ensured that the information provided was reliable and of the highest quality.

Figure 2 shows the countries that provided a response to the different sections of the survey.

Responses were received from a total of **30 countries, 20 EU27 MSs, three non-EU states** (i.e. Norway Switzerland and the UK), **and seven non-EU SELEC countries** (Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia, and Turkey). The countries that did not provide any feedback by the end of October 2020 were Belgium, Cyprus, Denmark, Estonia, Ireland, Poland and Sweden.

Most of the respondents provided information on all five instruments, while eight countries—Latvia, Lithuania, Finland, Norway, Malta, Bosnia and Herzegovina, Moldova and Turkey—failed to answer all five sections of the questionnaire. Latvia solely provided responses on mechanisms for data collection, Lithuania and Moldova only answered with respect to mechanisms for data collection and mechanisms for data sharing, Bosnia and Herzegovina responded to all sections with the exception of mechanisms for data collection and

NFPs, Turkey answered all sections except for NFPs and Joint criminal investigations, Finland completed all sections except for Controlled delivery procedures, while Norway and Malta completed all sections except for NFPs.

Box 1 presents some of the limitations of the survey that must be considered when interpreting the results.

Box 1. Limitations of Project ECOFIT's survey

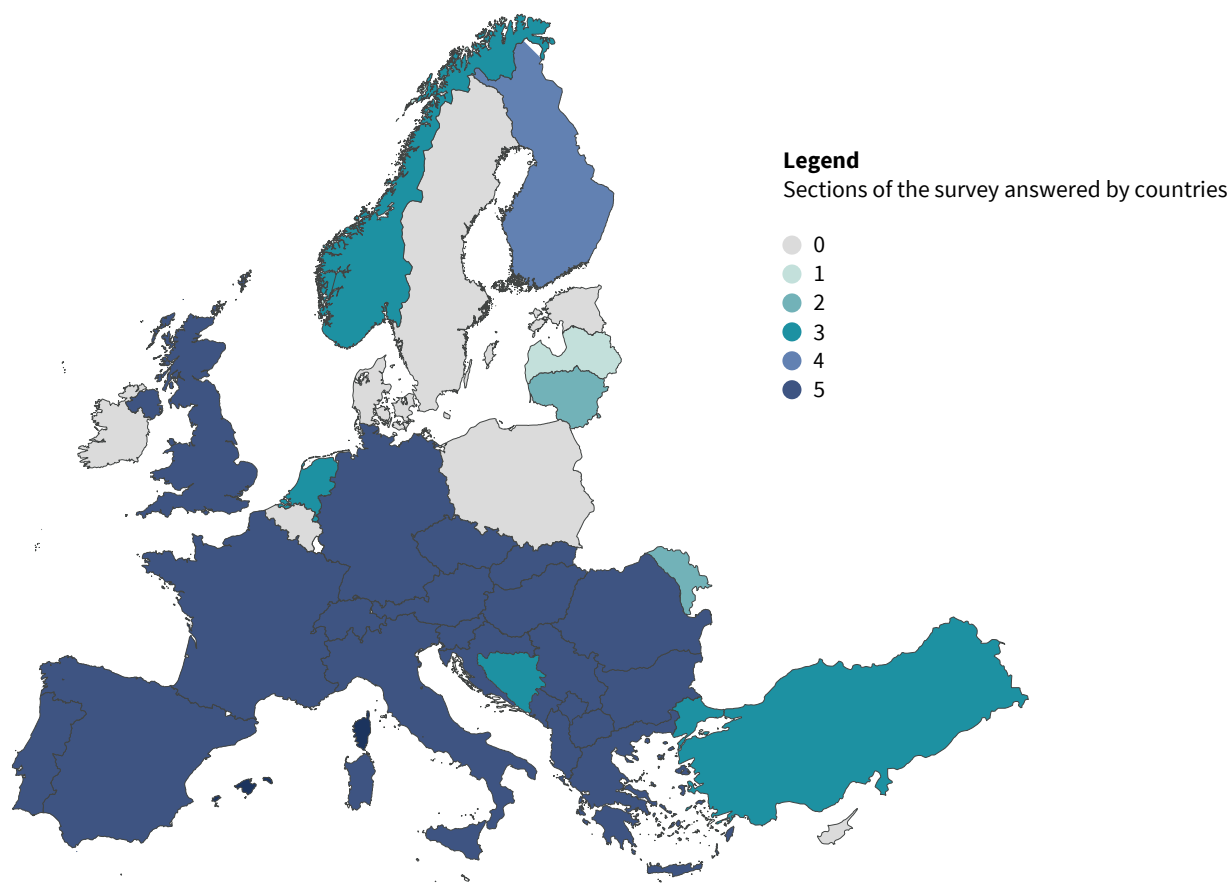
The survey made an invaluable contribution to the examination of a field of research that is both often considered as niche and for which data are often difficult to retrieve. However, there are some limitations of the survey.

Firstly, although countries provided information on specific sections, they did not necessarily provide answers to all of the specific questions within this section. Hence, the total number of respondents may vary not only with respect to the operational instrument considered, but also according to the specific questions under investigation.

Secondly, the information generated through the survey might differ from the actual status of the implementation of the provisions, due to clerical errors or misinformation from the respondents.

Thirdly, the results of the survey only portrayed the status of the respondents' knowledge, which may differ from the actual situation.

Figure 2. Number of sections in the questionnaire that each country provided a response to



Identification of gaps

Analysis of both the **implementation status of in force legislation** and the **survey results** allowed for the identification of existing gaps between the ideal scenario and the concrete reality. These gaps were also extensively discussed during the five online workshops conducted in the framework of the Project with national stakeholders and international experts in the field in February 2021.

Step 2: Define policy objectives

The second step consisted of defining concrete **policy objectives**. These are improvements that can be made with respect to the operational instruments, in order to fill the existing gaps highlighted in Step 1. In line with the Better Regulation “Toolbox”, these policy objectives should be: Specific, Measurable, Achievable, Relevant and Time-bound (i.e. S.M.A.R.T). **Specific** policy objectives do not allow for heterogeneous interpretations from different people. The objectives should be

both **measurable**, so as to be able to accurately verify whether they have been achieved, and ambitious, while still being realistically **achievable**. It is vitally important that policy objectives are **relevant**, which is to say that they must be directly linked to the problem they aim to address and its root causes. Finally, policy objectives must be **time-bound**, that is, they must pertain to a specific period of time to permit verification of whether they have been achieved (European Commission 2017).

According to the Better Regulation “Toolbox”, there are general, specific and operational policy objectives (European Commission 2017). For the purposes of the present impact assessments, strategic objectives have also been included in order to underscore the importance of cross-country harmonisation in the use of the five operational instruments. The **general and specific** objectives are the Treaty-based goals that the policy options aim to contribute towards, and often derive from both European and international legislation. The two can be differentiated from one another

by their scope: while general objectives focus on very broadly defined goals (e.g. simplify the European regulatory environment in the field of personal protective equipment), specific objectives target more precise aims (e.g. (a) ensure consistent application of the legislation; (b) ensure the requirements are practicable) (European Commission 2017, 100–101). Conversely, **operational and strategic** objectives are designed to maximise the efficiency of the operational instruments by: (a) introducing or enhancing the use of the five instruments in countries that do not use them systematically (operational objective) and (b) harmonising the implementation of the five instruments within those countries that currently use them (strategic objective).

Step 3: Select related policy options

The third step concerns the selection of specific **policy options** that are related to the policy objectives defined in Step 2. These policy options are the potential means through which problems and gaps can be addressed and subsequent improvements made. Given the purpose of the present impact assessments, four types of options were considered:

- No action;
- Non-legislative action;
- Legislative action;
- Combination of legislative and non-legislative actions.

The **“No action” policy option** refers to a baseline scenario in which no new policies need to be implemented, and existing EU and national laws and measures are thus assumed to continue as normal. This option also takes into account the ensuing impact of no further action being implemented (European Commission 2017). The **“Non-legislative action” policy option** includes a wide range of initiatives, such as recommendations, the imposition of technical standards, voluntary bottom-up initiatives, in addition to education and informational campaigns that aim to better inform the recipients of the action (e.g. publicity campaigns, training, guidelines, disclosure requirements, etc.) (European Commission 2017). The **“Legislative action” policy**

option considers the possibility of introducing binding legal requirements to impose a specific behaviour upon the recipients of the action; this could refer to, amongst other things, the modification of a particular article of a EU Directive, or even the introduction of a completely new article in a EU Directive to specify or regulate particular issues that were previously not included (European Commission 2017). Finally, the **“Combination of legislative and non-legislative actions” policy option** consists of elements from both “Legislative action” and “Non-legislative action” policy options.

Step 4: Analyse the impacts

The fourth step involves:

- The identification of the different impacts that the policy options might have on the current situation, which is defined as the baseline scenario;
- The evaluation of the impacts.

Identification of the impacts

The process of **identifying the impacts** relied on an extensive multi-disciplinary literature review. In particular, as stressed in the Better Regulation “Toolbox”, four categories of possible impacts were identified:

- Economic impacts;
- Social impacts;
- Environmental impacts;
- Fundamental human rights impacts.

Economic impacts can refer to the costs associated with conducting business, the administrative burden on businesses, the effect on the competitiveness of businesses, the functioning of the internal market, and so on. **Social impacts** can, amongst other things, include effects on employment, working conditions, income distribution, social protection, social inclusion, governance participation, public health and safety, crime, terrorism and security, education and culture. **Environmental impacts** can refer to effects on climate, biodiversity, waste production, efficient use of resources, air, water, or soil quality, and so on. Final-

ly, **fundamental human rights impacts** can pertain to effects on dignity, private and family life, freedom of expression, personal data, property rights, gender equality, rights of the child, right to life, and so on (European Commission 2017).

Within this step, all the possible impacts were identified, irrespective of whether they were related to a specific policy option, since the aim was to broadly assess all the elements that could potentially be influenced by any modification of the baseline scenario. Identified impacts are items that affect social welfare, and can be defined as **benefits** or **costs**. A benefit is defined as “any item that makes someone better-off, or increases a person’s well-being”, while a cost is defined as “any item that makes someone worse-off, or reduces a person’s well-being” (European Commission 2017, 460). Each benefit and cost can be either **direct** or **indirect**. An impact is defined as being direct if it is a direct result of a particular policy option, that is, a modification in the baseline scenario occurs as a consequence of a policy intervention. Conversely, an impact is defined as indirect if it is a second-order change that derives from a particular option. Nevertheless, indirect impacts must be considered as relevant as direct impacts (European Commission 2017).

Evaluation of the impacts

The **evaluation of the impacts** was performed separately for each policy option. All identified impacts, which were categorised into economic, social, environmental and fundamental human rights impacts, were screened in order to assess their relevance when considering a specific policy option. Four possible types of outcomes could be registered for each area (i.e. economic, social, environmental and fundamental human rights) in relation to each policy option:

- A policy option has **no impact (0)** on a specific area if relevant impacts affecting that sphere cannot be identified;
- A policy option has a **positive impact (P)** on a specific area if the benefits exceed the costs;
- A policy option has a **negative impact (N)** on a specific area if the costs exceed the benefits;

- A policy option has a **balanced impact (B)** on a specific area if it induces both positive and negative effects that, upon comparison, result in a balance.

To cite some examples, when a policy produces a significant economic benefit, without any economic costs, then it was measured as having a positive economic impact. When a policy has significant social costs, but produces no social benefit, then it was measured as having a negative social impact. Policies which engender both positive and negative effects were compared to determine if their effects were equally positive and negative, resulting in either a balanced impact, or a decision concerning whether the positive or negative impact was greater. When a policy option has no discernible impact on a policy objective, then it was deemed to have “0” impact.

Since the impact assessments carried out in Project ECOFIT are *ex-ante* impact assessments, the decisions concerning whether single impacts should be considered relevant for a specific policy option, and, if so, whether the whole impact upon an area (i.e. economic, social, environmental and fundamental human rights) were null, positive, negative or balanced, were taken both in **consultation with stakeholders and external experts** during the five online workshops held in February 2021, and on the basis of information retrieved from existing **EU documents** (e.g. Communications, Recommendations, reports, etc.).

Ideally, whenever possible, the Better Regulation “Toolbox” stresses that the identified impacts should also be quantified to provide an estimate of the magnitude of the specific impact. Due to data availability limitations (i.e. the absence of publicly available updated data and time series), the quantification of impacts was often not possible in the present impact assessments. In fact, the research team was able to quantify only a few impacts, which were primarily based on the results of the ECOFIT Survey that was developed to conduct the Gap analysis (Step 1), and on the data extracted from LexisNexis WorldCompliance (Box 2).

Once the impacts that each policy option had upon each area were assessed, the policy option in which the positive effects outweighed the negative ones was thus elected as the **best policy option**.

Box 2. Data extracted from LexisNexis WorldCompliance

LexisNexis WorldCompliance is a database that provides information about more than 2.5 million of entities (both individuals and companies) which are linked to more than 50 risk categories (e.g. money laundering, terrorism financing, corruption, conspiracy, crimes against humanity, drug trafficking, environmental crimes, etc.). Among this extensive list of categories, also individuals and companies related to arms trafficking are flagged. The involvement of individuals in these unlawful behaviours is signalled thanks to information retrieved from a vast and constantly-changing data sources, specifically: mass media, law enforcement agencies, sanction lists, politically exposed persons lists, etc. (LexisNexis Risk Solutions 2018).

For the performance of Project ECOFIT impact assessments, an extraction of data from LexisNexis WorldCompliance database was made in February 2021. These data are particularly relevant to assess

the status of firearms trafficking, providing relevant insights on criminal actors, types of firearms, *modi operandi* and trafficking routes.

The data extracted from LexisNexis WorldCompliance database concerns information about **1131 European individuals** that were flagged under the “Arms Trafficking” risk category. The sources providing information about these individuals are adverse media news and enforcement acts that, as shows by Figure 3, are almost equally distributed.

In relation to the socio-demographic information of these 1131 individuals, they were mostly males (95,8%) (Figure 4), and almost half of them were born between 1971 and 1990 (Figure 5).

In relation to their nationality, 42% of them originate from non-EU SELEC countries, 25% from Northern Europe countries, 18% from Southern Europe countries, and 8% and 7% respectively from Western and Eastern Europe countries (Figure 6).

Figure 3. Sources available in LexisNexis WorldCompliance database for the “Arms Trafficking” risk category

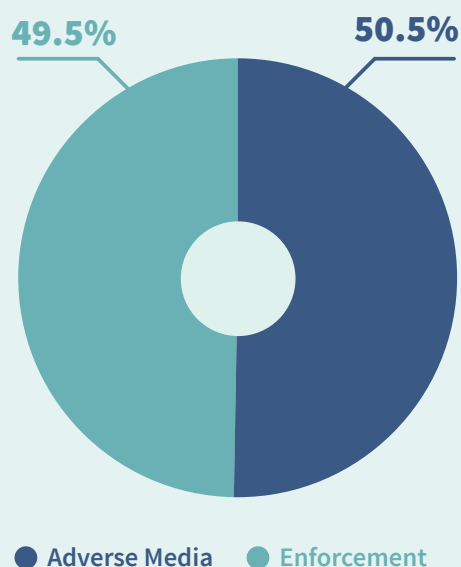


Figure 4. Gender of the individuals flagged for Arms Trafficking

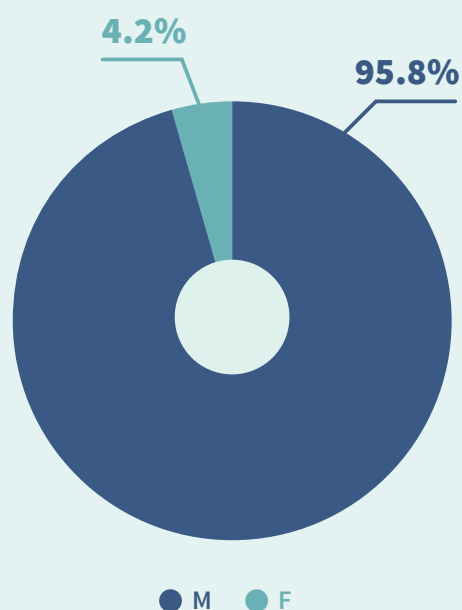


Figure 5. Date of birth of the individuals flagged for Arms Trafficking

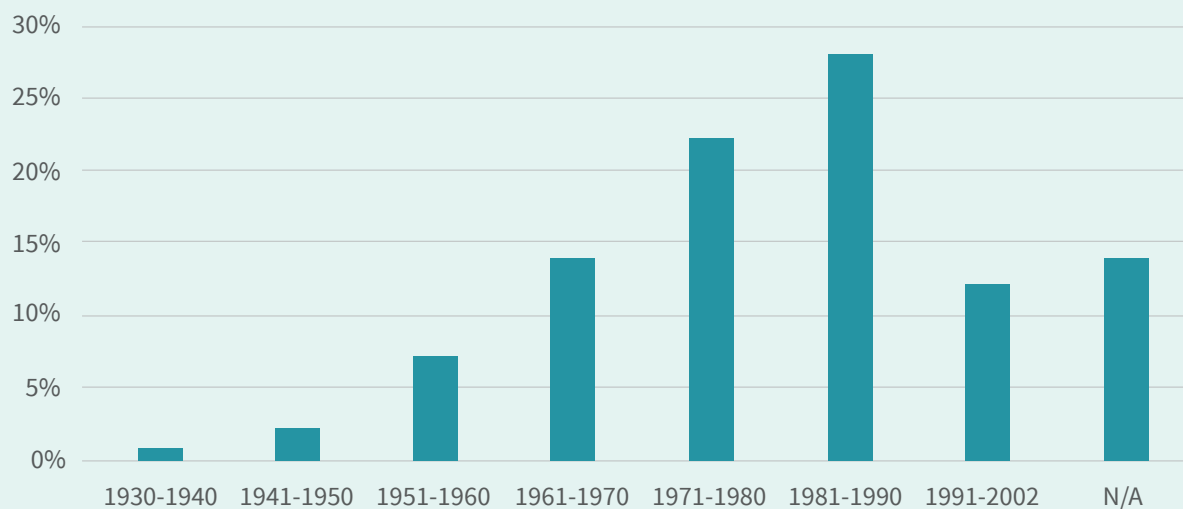


Figure 6. Nationality of the individuals flagged for Arms Trafficking*



**Non-EU SELEC countries: Albania, Bosnia and Herzegovina, Moldova, Montenegro, Serbia, Turkey*

Northern Europe: Ireland, Sweden and UK

Southern Europe: Croatia, Greece, Italy, Spain

Western Europe: Belgium, France, Germany, Netherlands, Switzerland

Eastern Europe: Bulgaria, Czech Republic, Latvia, Lithuania, Romania, Slovakia, Slovenia

Step 5: Monitor the impacts

The fifth step comprised identifying some **indicators to monitor the impacts** of the implemented policy options in the future. An *ex-ante* impact assessment should always be preceded by an ***ex-post* evaluation**, which aims to verify whether both the type and the magnitude of the impacts assessed in the *ex-ante* assessment are actually comparable to those observed in reality.

Impact indicators related to the economic, social, environmental and fundamental human rights areas, which includes the Key Performance Indicators (KPIs) annexed to the 2020-2025 EU Action Plan on firearms trafficking (European Commission 2020a), allowed to both **quantify the dimension and importance of the identified impacts**, and to monitor the trends over time.

The data used to build these indicators can be retrieved from various sources. Some data are publicly available in **international or national databases**, including statistics on organised crime groups, judicial procedures, convictions, firearm seizures, and so on (e.g. Eurostat crime and criminal justice, UNODC Criminal Justice Personnel, Flash Eurobarometer 383). Other data might not be publicly available, but rather are **internally gathered by LEAs** (e.g. LEA personnel expenditure, expenditure for training materials for LEA personnel, number of joint investigations performed,

number of controlled deliveries performed). These data can be used to compute statistics that can be shared in an aggregate format, which allows for precise *ex-post* evaluation, while, simultaneously, preserving the confidentiality of the reserved data.

Step 6: Develop recommendations and guidelines

The last step involves the **identification of recommendations for the EU and guidelines for LEAs**.

The recommendations for the EU propose how to enhance each operational instrument under investigation as well as its use, while the guidelines for LEAs delineate concrete actions that make it easier for LEA officials to better perform their daily tasks associated with the implementation of the instruments. The ultimate aim is to tackle and prevent firearms trafficking more efficiently.

These recommendations and guidelines derive from **extensive discussions amongst our partners and external experts** during the Steering Committee meeting held on the 29th of April 2021, the results of the previous activities carried out on Project ECOFIT, namely the **mapping of the operational instruments** based on the information gathered in questionnaires sent to the 27 EU MSs, Norway, Switzerland, the UK and seven non-EU SELEC MSs, five **online workshops** held at the beginning of February 2021, and the **impact assessment**.

A. Mechanisms for Data collection

1. Gap analysis

Current legislation and soft law

European dispositions

The first mention of a mechanism for data collection regarding firearms in European regulation can be found in the **Directive No. 91/477 on control of the acquisition and possession of weapons of the Council of the European Economic Community**, which was published on the 18th June 1991. Article 4 of the Directive states that:

Each [firearm] dealer shall be required to keep a register in which information concerning all firearms classified in category A, B or C received or disposed of by him shall be recorded, including such particulars as enable the weapon to be identified, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the supplier and the person acquiring the weapon. The Member States shall regularly check dealers' compliance with this obligation. The dealer shall conserve the register for a period of five years, even after he has ceased his activity (European Council 1991, 2).

The rationale of the Directive was that the creation of the internal market required the abolition of intra-Community controls at frontiers, which eliminated the possibility of systematically checking individuals for firearms possession. This created a need to both harmonise the legal framework and regulate the controls that had to be carried out within EU MSs with respect to the acquisition and possession of firearms. In order to prevent the unnoticed transfer of firearms between MSs, firearms manufacturers or traders had to keep a register containing data on firearms that could be used for identification purposes.

The Directive has been amended twice in the following years. The first time was in 2008, when **Directive No. 2008/51 of the European Parliament and the European Council** amended Article 4 of the previous Directive as follows:

Member States shall, by 31 December 2014, ensure the establishment and maintenance of a computerised data-filing system, either a centralised system or a decentralised system which guarantees to authorised authorities access to the data-filing systems in which each firearm subject to this Directive shall be recorded. This filing system shall record and maintain for not less than 20 years each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm (European Parliament and European Council 2008, 4).

The Directive No. 2008/51 thus introduced the need to create and maintain a computerised data-filing system to collect data on firearms, so that authorised LEAs and authorities can easily access the required information (European Parliament and European Council 2008).

The second amendment corresponds to the **Directive No. 2017/853** of 17th May 2017, which introduced significant changes. The new Article 4 states that the following data must be included when registering firearms:

- a) *the type, make, model, calibre and serial number of each firearm and the mark applied to its frame or receiver as a unique marking [...];*

- b) *the serial number or unique marking applied to the essential components, where that differs from the marking on the frame or receiver of each firearm;*
- c) *the names and addresses of the suppliers and of the persons acquiring or possessing the firearm, together with the relevant date or dates;*
- d) *any conversions or modifications to a firearm leading to a change in its category or subcategory, including its certified deactivation or destruction and the relevant date or dates (European Parliament and European Council 2017, 9).*

The same article further specifies that the LEAs which should be granted access to these records are: “the authorities competent to grant or withdraw authorisations” or “the authorities competent for customs proceeding”, and “the authorities competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties” (European Parliament and European Council 2017, 9).

In addition, the Directive states that dealers, brokers and the aforementioned authorities shall have an electronic connection for reporting purposes and that the data-filing system shall be updated upon receipt of information concerning transactions (European Parliament and European Council 2017, 9).

Besides legally binding sources, the topic of firearms data collection is also explored in other dispositions. The 2013 **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** underscores the need to strengthen cross-border cooperation between all competent authorities as a key-step in the fight against trafficking in illicit firearms. In section 6 of the European Commission Communication, indications regarding the registration of firearms-related crime data are given, while the importance of national firearms experts in the collection process is also emphasised. According to the provisions, national firearms experts shall:

- Register “all seized or recovered firearms [...] in sufficient technical detail to enable tracing and identification of trends” and upload the data on the EUROPOL Information System (EIS);
- Carry out a cross-check between all the seized firearms and the lost or stolen firearms already inserted in the database(s), including the Schengen Information System (SIS II) and INTERPOL Illicit Arms Records and tracing Management (iARMS);
- Receive the illegal firearms intercepted by custom authorities (that are required to register some basic information in the Customs Information System before handing the firearm(s) to the experts) (European Commission 2013).

In 2015, in **Implementing the European Agenda on Security: EU Action Plan against illicit trafficking in and use of firearms and explosives**, the European Commission stated its commitment, together with UN-ODC (due to the trans-European nature of this crime), to collect data in an “harmonised” way in order to both map firearms trafficking routes and make the data available to LEAs and competent authorities in all EU MSs (European Commission 2015b).

Given that some MSs were still unable to provide statistics about the export and import of civilian firearms, in the 2018 **Commission Recommendation on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition**, the EU reiterated the need for effective tracing measures to avoid the risk of firearms being diverted from the legal market. For this reason, they recommended that:

By 1st July each year, Member States should collect detailed statistics of the preceding year about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination, and submit these statistics to the Commission (European Commission 2018, 4).

In the **EU Strategy “Securing arms, protecting citizens”, annexed to the 2018 Council Conclusions on the Adoption of an EU Strategy Against Illicit Firearms, Small Arms & Light Weapons & Their Ammunition**, the EU reaffirmed its commitment, at the international level, to reinforce its engagement in the UNODC Global Firearms Programme “on global data collection and analysis on firearms trafficking [...]” (European Council 2018, 22).

Further information about how LEAs should collect, store and process data is provided in **INTERPOL’s Rules on the Processing of Data**, which was published in 2019. Despite the fact that the document does not specifically focus on firearms data, it nevertheless provides some indications about police databases and their usage. Article 36 provides a list of the general characteristics that police databases should have, while Article 37 lists the minimum conditions for recording data in the databases (‘INTERPOL’s Rules on the Processing of Data’ 2019).

International dispositions

The **United Nations Convention against Transnational Organized Crime** (UNTOC), held in Palermo and adopted by a resolution of the United Nations General Assembly on 15th November 2000, represented an important step in the broader international regulation of firearms data collection. The Convention’s Article 28 called for each State to “[collect data] in order to analyse the trends, circumstances, characteristics of organized crime and the technologies and the professionals involved” (United Nations 2000).

Additional information regarding record keeping on firearms can be found in the 2001 **UN Firearms Protocol**. Article 7 of the Protocol called for each State Party to:

Ensure the maintenance [...] of the information concerning firearms, their parts and components [...] that is necessary to trace and identify those firearms and, where appropriate and feasible, their parts and components and ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities (United Nations 2001, 25).

Once again, the document stressed the importance of collecting data in order to be able to both trace and identify weapons and prevent cases of illicit trafficking between different countries.

Status of implementation

Implementation of normative dispositions

With respect to the status of the ratification of the aforementioned European and international dispositions, it should be noted that the Directive No. 91/477 has been implemented by 22 of the 27 MSs (with the exception of Austria, Germany, Ireland, Luxemburg and Malta) as well as by the UK; conversely, the successive Directive No. 2008/51 has been implemented by all EU MSs and by the UK; finally, the most recent Directive No. 2017/853 has been implemented by 24 of the 27 MSs (with the exception of Cyprus, Luxemburg and Slovenia) as well as by the UK. Moreover, all of the State Parties involved in Project ECOFIT, both EU MSs and non-EU SELEC countries have signed, approved, accepted, accessed or ratified the UNTOC General Assembly Resolution (2000).⁴ However, it is important to note that, amongst these same State Parties, only Ireland and Malta have neither signed, approved, accepted, accessed nor ratified the 2001 UN Firearms Protocol (Table 1).⁵

4. The United Nations Convention against Transnational Organized Crime (UNTOC) has been signed by 147 State Parties and subsequently approved, accepted, accessed or ratified by 190 State Parties worldwide. All EU MSs have ratified the Convention. With respect to the non-EU SELEC countries involved in project ECOFIT, six out of seven have ratified the Convention, whereas Montenegro has succeeded it (‘United Nations Treaty Collection’ 2020a).

5. The UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition has been signed by 52 State Parties and subsequently approved, accepted, accessed or ratified by 119 State Parties worldwide. 25 out of 27 EU MSs have approved, accepted, accessed or ratified the protocol

(with the exception of Ireland and Malta). Austria, Belgium, Bulgaria, Cyprus, Estonia, Greece, Italy, Lithuania, Poland, Portugal, Slovakia, Slovenia and Sweden have ratified it; Croatia, the Czech Republic, France, Hungary, Latvia, Netherlands, Romania, Spain have accessed it; Denmark and Finland have approved and accepted it, respectively; while Germany and Luxembourg have only signed it. With respect to the non-EU SELEC countries involved in project ECOFIT, all seven countries have approved, accepted, accessed, succeeded or ratified the protocol (‘United Nations Treaty Collection’ 2020b). Albania, Bosnia and Herzegovina, North Macedonia, Republic of Moldova and Serbia have accessed the protocol; Montenegro has succeeded the protocol; and Turkey has ratified it.

Table 1. Status of implementation of dispositions in relation to mechanisms for data collection

Country	European dispositions			International dispositions	
	Directive No.91/477	Directive No.2008/51	Directive No.2017/853	UNTOC Convention	UN Firearms Protocol
AT		28/07/2010	14/09/2018 14/12/2019	23/09/2004 Ratification	09/10/2013 Ratification
BE	01/01/1993	28/07/2010	14/09/2018 14/12/2019	11/08/2004 Ratification	24/09/2004 Ratification
BG	01/01/2007	28/07/2010	14/09/2018 14/12/2019	05/12/2001 Ratification	06/08/2002 Ratification
HR	01/07/2013	01/07/2013	14/09/2018 14/12/2019	24/01/2003 Ratification	07/02/2005 Accession
CY	01/05/2004	28/07/2010		22/04/2003 Ratification	06/08/2003 Ratification
CZ	01/05/2004	28/07/2010	14/09/2018 14/12/2019	24/09/2013 Ratification	24/09/2013 Accession
DK	01/01/1993	28/07/2010	14/09/2018	30/09/2003 Ratification	04/02/2015 Approval
EE	01/05/2004	28/07/2010	14/09/2018 14/12/2019	10/02/2003 Ratification	12/05/2004 Ratification
FI	01/01/1993	28/07/2010	14/09/2018 14/12/2019	10/02/2004 Ratification	17/05/2011 Acceptance
FR	01/01/1993	28/07/2010	14/09/2018 14/12/2019	29/10/2002 Ratification	28/02/2019 Accession
DE		28/07/2010	14/09/2018 14/12/2019	14/06/2006 Ratification	03/09/2003 Signature
EL	01/01/1993	28/07/2010	14/09/2018 14/12/2019	11/01/2011 Ratification	11/01/2011 Ratification
HU	01/05/2004	28/07/2010	14/09/2018 14/12/2019	22/12/2006 Ratification	13/07/2011 Accession
IE		28/07/2010	14/09/2018 14/12/2019	17/06/2010 Ratification	
IT	01/01/1993	28/07/2010	14/09/2018 14/12/2019	02/08/2006 Ratification	02/08/2006 Ratification
LV	01/05/2004	28/07/2010	14/09/2018 14/12/2019	07/12/2001 Ratification	28/07/2004 Accession
LT	01/05/2004	28/07/2010	14/09/2018 14/12/2019	09/05/2002 Ratification	24/02/2005 Ratification
LU		28/07/2010		12/05/2008 Ratification	11/12/2002 Signature
MT		28/07/2010	14/09/2018 14/12/2019	24/09/2003 Ratification	
NL	01/01/1993	28/07/2010	14/09/2018 14/12/2019	26/05/2004 Ratification	08/02/2005 Accession
PO	01/05/2004	28/07/2010	14/09/2018 14/12/2019	12/11/2001 Ratification	04/04/2005 Ratification

Country	European dispositions			International dispositions	
	Directive No.91/477	Directive No.2008/51	Directive No.2017/853	UNTOC Convention	UN Firearms Protocol
RO	01/01/2007	28/07/2010	14/09/2018 14/12/2019	04/12/2002 Ratification	16/04/2004 Accession
SK	01/05/2004	28/07/2010	14/09/2018	03/12/2003 Ratification	21/09/2004 Ratification
SI	01/05/2004	28/07/2010		21/05/2004 Ratification	21/05/2004 Ratification
ES	01/01/1993	28/07/2010	14/09/2018 14/12/2019	01/03/2002 Ratification	09/02/2007 Accession
SE	01/01/1993	28/07/2010	14/09/2018	30/04/2004 Ratification	28/06/2011 Ratification
UK	01/05/2004	28/07/2010	14/09/2018 14/12/2019	09/02/2006 Ratification	06/05/2002 Signature
NO				23/09/2003 Ratification	23/09/2003 Ratification
CH				27/10/2006 Ratification	29/11/2012 Accession
AL				21/08/2002 Ratification	08/02/2008 Accession
BA				24/04/2002 Ratification	01/04/2008 Accession
MD				16/09/2005 Ratification	28/02/2006 Accession
ME				23/10/2006 Succession	23/10/2006 Succession
MK				12/01/2005 Ratification	14/09/2007 Accession
RS				06/09/2001 Ratification	20/12/2005 Accession
TR				25/03/2003 Ratification	04/05/2004 Ratification

Source: Directive No. 91/477 national transposition: European Council 1991; Directive No. 2008/51 national transposition: European Parliament and European Council 2008; Directive No. 2017/853 national transposition: European Parliament and European Council 2017; UNTOC Convention ratification status: 'United Nations Treaty Collection' 2020a; UN Firearms Protocol ratification status: 'United Nations Treaty Collection' 2020b. Information retrieved in October 2020.

Although all the State Parties involved in Project ECOFIT have introduced Directive provisions within their national legislation (EU MSs only) and signed, approved, accepted, accessed or ratified at least one of the aforementioned international dispositions (both EU MSs and non-EU SELEC countries), the actual status of the implementation of the provisions varies substantially.

Operational implementation

The results of the survey delivered to key national stakeholders in the EU MSs, the UK, Switzerland, Norway and the non-EU SELEC countries highlight that there is variability between the countries in terms of the type of firearms data collected.⁶ As shown in Figure 7, nearly all the countries included in the analysis (90% of respondents) collect data on seizures (with the exception of Malta, Croatia and Bosnia and Herzegovina). Ballistic testing data is collected by 87% of the respondents (with the exception of Malta, Norway, Bosnia and Herzegovina and Moldova). However, both forensic testing data (80%) and tracking and tracing data (70%) are collected less consistently across State Parties. Malta and Bosnia and Herzegovina are the only respondents that do not collect any of the aforementioned data; Bosnia and Herzegovina do not provide any further information, while Malta instead collects “other data”—i.e. confiscated firearms, found and surrendered firearms, and stolen firearms.

Regarding how the collected data are stored by the majority of the countries, the most commonly reported way of storing data on seizures, ballistic testing, fo-

rensic testing and tracking and tracing is to do so in national databases specifically designed for this purpose. However, in some cases, officers store data on personal files. Some data are also recorded in international databases; with the most common of these being SIS, iARMS, IBIN, EIS and SIENA. Seizure data are collected mostly using national standardised procedures (21 out of the 29 countries which collect at least one type of data), a few use standardised international procedures (3), some do not rely on any standardised procedure (5). The same is true for ballistic data (15 countries use standardised national procedures, five use standardised international procedures, while nine countries do not use any), forensic data (15 countries use standardised national procedures, five use standardised international procedures, while nine countries do not use any), and tracking and tracing data (14 countries use standardised national procedures, six use standardised international procedures, while eight countries do not use any).

Both in EU MSs and in non-EU SELEC countries, the authorities that are most often in charge of the data collection are the Police, both at the national and regional level. Customs authorities are most relevant for seizure cases. Other authorities mentioned by the respondents comprise the Military Police (responsible for all types of data collection) in Turkey; the Judiciary Police (seizures and tracking and tracing) and the Laboratories of the Scientific Police (ballistic and forensic) in France; the Forensic Institute of Zurich (ballistic) and the NFP (tracking and tracing) in Switzerland, and the Coast Guard in Greece (Figure 8).

6. It must be noted that the information provided in the survey might differ from the actual status of implementation of the provisions, as a result of clerical errors or misinformation from the respondents. For more details about the survey, please see the Methodology section.

Figure 7. Countries that collect data on seizures, ballistic tests, forensic tests, tracking and tracing procedures

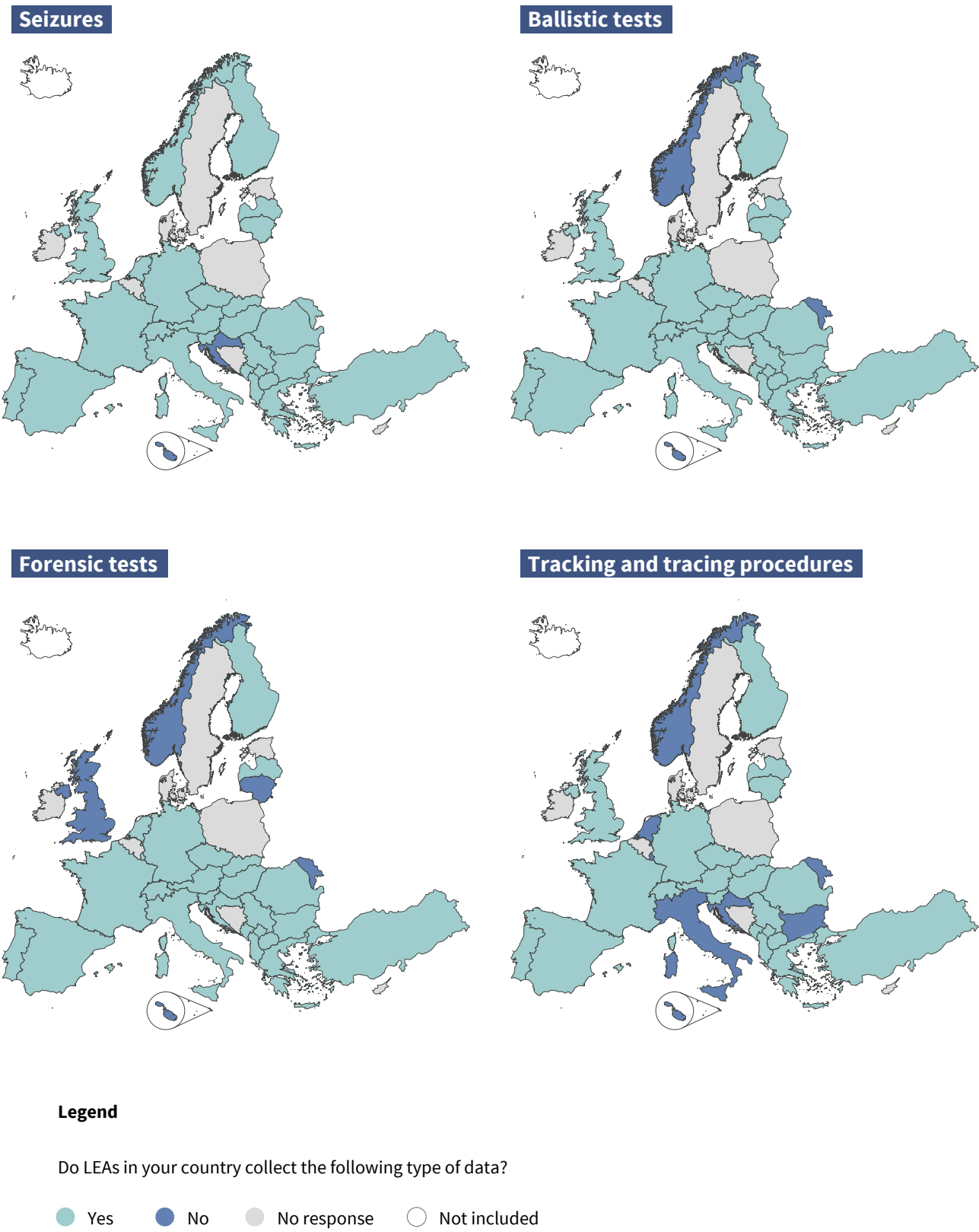
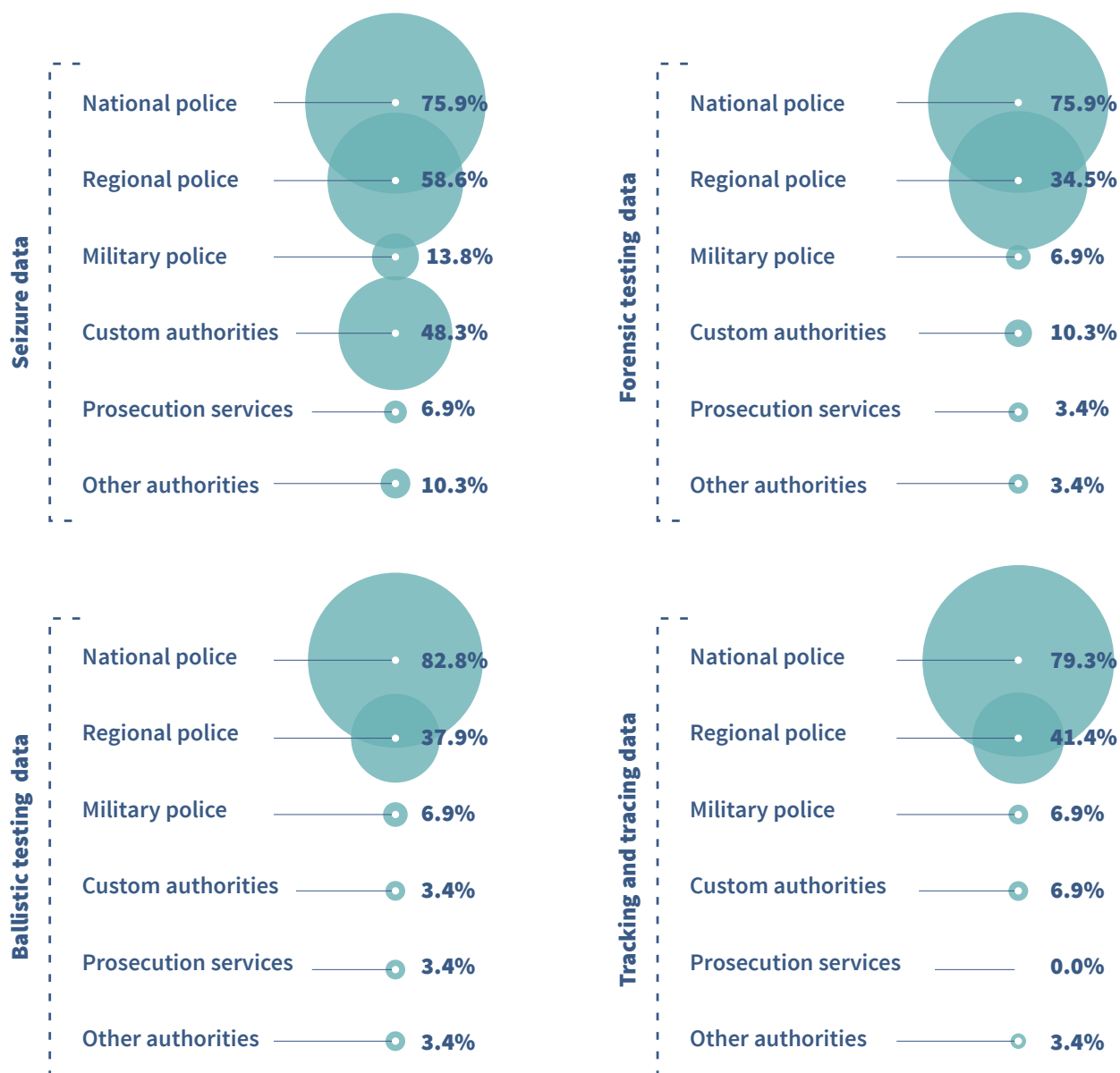


Figure 8. Authority responsible for the collection of data, divided by type of data



Note: Percentages were calculated for the 28 countries that collect at least one type of data. Multiple authorities can be in charge of the collection of the same type of data (e.g. registered by both the national police and customs authorities).

While most countries produce statistical analyses with the data they collect, these analyses are often kept private. In fact, 16 of the respondents only produce reports and figures for internal purposes. Conversely, six countries—Portugal, the UK, France, Finland, Albania and North Macedonia—do make such analyses publicly available. Finally, Greece, Malta, Norway, Germany and Slovakia do not produce any statistical analyses.

Identification of gaps

Normative gaps

The process of establishing harmonised methods of data collection on firearms to enhance cooperation amongst LEAs remains a challenge. In particular, the **Evaluation of the 2015-2019 Action Plan on fire-**

arms trafficking between the EU and the south-east Europe region report, published by the European Commission, indicates that “harmonised data collection on firearms seizures remains one of the main stumbling blocks both in the EU and in the Western Balkans” (European Commission 2019, 9). The report concludes that the lack of a proper data collection system is blocking the realisation of “evidence-based policy and proper and reliable assessment of trafficking trends”, therefore stunting the ability of LEAs to fight firearms trafficking (European Commission 2019, 14).

The same issue is raised in the **2020-2025 EU Action Plan on firearms trafficking**, which was issued on the 24th of July 2020. The document highlights the absence of comprehensive and comparable data on firearms seizures across EU MSs, while in Priority 2: Building a better intelligence picture, it is stated that:

The Commission will take action to establish a systematic and harmonised collection of data on seizures of firearms, and publish annual statistics as done to analyse drug seizures. This would provide useful information to law enforcement authorities, notably to assist them in identifying new trafficking trends and establishing refined risk profiles (European Commission 2020b, 9).

Regarding the EU MSs, only **Cyprus, Luxemburg and Slovenia**, that are yet to implement the most recent Directive No. 2017/853, are adopting lower standards than those formally required by the EU in the process of data collection on firearms (Table 1).

With respect to international dispositions, all countries participating in Project ECOFIT have ratified the General Assembly Resolution following the UNTOC Convention held in 2000. However, amongst these State Parties, it is again important to highlight that both **Ireland** and **Malta** have neither signed, approved, accepted, accessed nor ratified the 2001 UN Firearms Protocol (Table 1).

Despite most countries being formally compliant with European and international dispositions when it comes to the mechanisms for collecting firearms data, there are nevertheless some discrepancies in the operational implementation of these provisions.

Operational gaps

The current dispositions are designed to establish a general normative framework, and, as such, are not intended to provide operational Directives regarding their implementation. Given the freedom that States have over how to comply with the agreed-upon rules, some differences inevitably emerge, which, in turn, generate operational gaps between countries following the same norms.

Besides Bosnia and Herzegovina, which does not have a standard procedure for data collection, the survey paints a rather **homogenous picture** when it comes to collecting **data on seizures and ballistic tests** (Table 2).⁷ In fact, the operational gaps amongst the respondents are almost non-existent, with only four countries behaving differently than the other 29. Malta is the only country that does not collect either of these data, while Croatia does not collect data on seizures, and Norway and Moldova do not collect data on ballistic tests. The **gaps become more substantial** when examining **data on forensic tests and tracking and tracing procedures**, with five (Lithuania, Malta, Moldova, Norway, the UK) and eight (Bulgaria, Croatia, Italy, Luxembourg, Malta, Moldova, the Netherlands, Norway) countries failing to systematically collect such information. Malta, Moldova, and Norway present the most notable gap in comparison to the rest of Europe.

7 . It must be noted that the information provided by the respondents in the survey may be imprecise or incorrect, as a result of clerical errors or misinformation from the respondents potentially causing internal inconsistencies.

Table 2. Types of data collected by each country

Country	Seizures	Ballistic tests	Forensic tests	Tracking and tracing procedures
AL				
AT				
BG				
HR				
CZ				
FI				
FR				
DE				
EL				
HU				
IT				
LV				
LT				
LU				
MT				
MD				
ME				
NL				
MK				
NO				
PT				
RO				
RS				
SK				
SI				
ES				
CH				
TR				
UK				

Note: Light blue cells=data types collected, dark blue cells=data types not collected.

The most relevant issue concerns how and where the above-mentioned data are stored. In fact, **the authorities that are in charge of data collection vary significantly amongst State Parties**, as do the procedures used to store them, with most State Parties relying on national databases. Indeed, **the use of national procedures and databases constitutes the major obstacle preventing the effective standardisation**

of data collection procedures related to firearms.

A stronger reliance on international standardised procedures (Table 3) would allow for more coherent and comparable data collection practices, which, in turn, would yield significant advantages for law enforcement coordination, both in terms of regulating the acquisition and possession of firearms and illicit firearms manufacturing and trafficking.

Table 3. Types of data registered in international databases

Country	Seizures	Ballistic tests	Forensic tests	Tracking and tracing procedures
AL				
AT				
BG				
HR				
CZ				
FI				
FR				
DE				
EL				
HU				
IT				
LV				
LT				
LU				
MT				
MD				
ME				
NL				
MK				
NO				
PT				
RO				
RS				
SK				
SI				
ES				
CH				
TR				
UK				

Note: Light blue cells =data registered in an international database, dark blue cells=data not registered in an international database.

Operational gaps are also relatively **apparent** when it comes to the **procedures carried out on seized/confiscated firearms**. Indeed, while for many countries it is standard procedure to carry out ballistic and forensic tests and tracking and tracing procedures, some follow different practices altogether. For instance,

France, Germany, Luxembourg and Switzerland only perform these tests under specific circumstances, while in Lithuania, Montenegro (for forensic tests and tracking and tracing procedures), North Macedonia (for ballistic and forensic tests), Norway, Finland and the UK, it is not a standard procedure at all.

2. Policy objectives and intervention logic

The following scheme (Table 4) summarises both the process that led to the defining of the policy objectives and the intervention logic of the first operational instrument included in the analysis, i.e. mechanisms for data collection. The identification of the main gaps in

relation to data collection on firearms allows for the determination of how the current situation could be improved, by defining the general, specific, operational and strategic objectives. The achievement of these objectives leads to specific outcomes and results.

Table 4. Intervention logic of the mechanisms for data collection on firearms

Main gaps	General objective	Specific objectives	Operational and strategic objectives	Outcomes	Results
Unstandardised data on firearms	The Union shall establish police cooperation involving all Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences (Art. 87.1 Treaty on the Functioning of the European Union)	<p>Arrange and maintain a computerised data-filing system on firearms accessible by all authorised authorities of Member States (Art. 4.4 Directive 2017/853/EU)</p> <p>Ensure the maintenance of all the information concerning firearms, their parts and components (Art. 7 UN Firearms Protocol)</p>	<p>OPERATIONAL:</p> <p>Collect all types of data concerning firearms (e.g. seizures, ballistic, forensic, tracking and tracing) in a systematic way</p> <p>STRATEGIC:</p> <p>Harmonise data collection procedures (e.g. variables, tests)</p>	<ul style="list-style-type: none"> - MSs and other countries beyond the EU to systematically collect all types of data on firearms 	<ul style="list-style-type: none"> - Better exchange of information between LEAs - Increased traceability of firearms - Better risk assessment and identification of new trends
Fragmented data on firearms				<ul style="list-style-type: none"> - MSs and other countries beyond the EU to systematically follow harmonised and standardised data collection procedures (e.g. common templates/ reporting forms/ reference tables) 	
Imprecise data on firearms				<ul style="list-style-type: none"> - Publication of the data collected (at least on seizures) 	
Differences in the types of data collected across countries				<ul style="list-style-type: none"> - Improve training on data collection and firearms - Setting up of national databases on firearms 	

3. Policy options

With respect to the operational instrument of mechanisms for data collection, four policy options are identified:

- **No action (status quo):** Article 87.1 of the Treaty on the Functioning of the European Union (TFEU), Article 4.4 of the Directive 2017/853/EU and Article 7 of the UN Firearms Protocol continue to be the reference point for data collection on firearms. Neither new legislative nor non-legislative actions (e.g. policy guidelines or recommendations) need to be implemented to make the mechanisms for collecting data more efficient. Under this option, it is suggested that the given articles, and the manner in which they are currently being implemented, should remain the same. This means that the status of implementation of legislative and soft-law measures should be unaltered vis-à-vis the situation depicted in the Gap analysis section.
- **Non-legislative action:** the development and introduction of new education and information activities for LEAs personnel involved in data collection practices is required. More specifically, additional **training sessions**, besides those already provided by CEPOL,⁸ should be organised and delivered to LEAs officials with the aim of spreading best practices on how to effectively collect firearms data (e.g. having a specific database to collect only data on firearms, how to precisely collect data on both licit and illicit firearms, etc.), and advancing LEAs officials' knowledge about potential future threats (e.g. "Flobert" firearms, gas pistols). In addition, this option might also include the development of **guidelines** to improve LEAs officials' day-to-day activities. For example, in the 2020-2025 EU Action Plan on firearms trafficking, it is stated that the European Commission will develop a firearms reference table that will enable an easy classification of firearms according to EU categories (European Commission 2020b, Action 1.2).

This table, as suggested by stakeholders and experts during the ECOFIT workshops, could be accompanied by a guideline manual or App reporting features and images of firearms, components, and ammunition, in order to facilitate both the collection and classification of data from seizures.

- **Legislative action:** there needs to be either the introduction of a new article or the modification of an existing article in the in force Directive 2017/853/EU that imposes some minimal requirements on MSs regarding the types of data to be gathered (e.g. seizures, ballistic, forensic, tracking and tracing), in addition to the specific information and variables to be collected in relation to the firearms (e.g. make, model, serial number, tests).
- **Combination of legislative and non-legislative action:** some of the elements foreseen in the non-legislative action need to be combined with some elements from the legislative action. This would request the collection of specific types of data by introducing a new mandatory article in the Directive 2017/853/EU, together with the provision of training sessions and guidelines to better implement the requirements imposed by the newly introduced article of the Directive.

4. Analysis of the impacts

4.1 Identification of the impacts

The present impact assessment aims at identifying which amongst the envisaged policy options is the most optimal solution to achieve the designated policy objectives related to mechanisms for data collection.

As highlighted in the Methodology section, the first step in analysing the impacts is to accurately determine **all the foreseeable impacts** that each policy option may have on the current situation in relation to existing mechanisms for data collection on firearms.

8. For example, the firearms online module, which is available at: <https://www.cepola.europa.eu/media/news/updated-firearms-online-module-available-self-paced-learning>

The tables below report the potential impacts that each of the identified policy options may have, alongside an array of indicators together with the corresponding data sources used to monitor these impacts. Most data on illicit firearms are not publicly available, but rather are data that has been internally collected by LEAs. In certain cases, some sources about more general data (i.e. data that does not specifically deal with illicit firearms) are reported to both give an idea of publicly available data and suggest the types of data that can be collected. The impacts are distinguished between costs and benefits. Each of these can

be identified as a **direct cost/benefit** if the impact is a direct consequence of the implementation of a policy option; conversely, it can be identified as an **indirect cost/benefit** if the impact is a second-order consequence, which is to say that it is not caused directly by the implementation of a policy option, but rather by one of its direct impacts (European Commission 2017). More specifically, Table 5 presents the possible economic impacts, Table 6 displays the possible social impacts, Table 7 depicts the possible environmental impacts, while Table 8 shows the possible impacts on fundamental human rights.

Table 5. Mechanisms for data collection: Economic impacts

Cost/ Benefit	Direct/ Indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increase in law enforcement expenditure	<ul style="list-style-type: none">• Number of members of law enforcement (police, prosecution, and court) involved in combating firearms trafficking• Expenditure for law enforcement personnel involved in combating firearms trafficking• Types of data on illicit firearms collected	Eurostat crime and criminal justice UNODC Criminal Justice System – Police UNODC Criminal Justice System – Prosecution UNODC Criminal Justice System – Court UNODC data and publications on firearms LEAs internal data ECOFIT Survey: Question 1.1
		Increase in expenditure for data collection software/databases	<ul style="list-style-type: none">• Expenditure for data collection software/database	LEAs internal data
		Increase in the expenditure for LEAs training, adaptation and procedure standardisation	<ul style="list-style-type: none">• Expenditure for LEAs training• Number of hours of training for LEAs personnel	LEAs internal data
	Indirect	Expenditure for training manuals and materials	<ul style="list-style-type: none">• Expenditure for LEAs training materials	LEAs internal data
	Benefits	Direct	Increase in the efficiency of data collection procedures	<ul style="list-style-type: none">• Number of LEAs officials involved in data collection activities• Hours spent in data collection activities
Indirect		Decrease in the profitability of organised crime (especially additional sources of funding)	<ul style="list-style-type: none">• Estimates of organised crime profits	Existing statistics on organised crime groups
		Increased revenues for firearms manufacturers	<ul style="list-style-type: none">• Firearms manufacturers revenues	Eurona 2018/2 Orbis by Bureau van Dijk Manufacturers’ internal data

Table 6. Mechanisms for data collection: Social impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increased difficulty in legally acquiring firearms	<ul style="list-style-type: none"> • Number of legally acquired firearms 	LEAs internal data
	Indirect	N/A	N/A	N/A
Benefits	Direct	N/A	N/A	N/A
	Indirect	Enhanced feeling of safety due to improved efficiency in the fight against firearms trafficking	<ul style="list-style-type: none"> • Level of concern amongst citizens about firearms trafficking and violence 	Flash Eurobarometer 383
		Enhanced quality of local institutions and LEAs due to the use of better tools and instruments	<ul style="list-style-type: none"> • LEAs perceived quality of the instruments adopted in their daily activities related to data collection • Number of seized firearms • Citizens' perceptions of how well LEAs and local institutions are tackling illicit firearm trafficking 	LEAs internal data UNDOC Arms seized by type LexisNexis WorldCompliance data (Box 3)
		Improved quality of research related to firearms trafficking	<ul style="list-style-type: none"> • Number of funded projects about firearms trafficking • Amount of resources allocated to firearms trafficking research 	EU Commission funding and tenders' statistics
		Reduction of homicides and other violent crimes related to illicit trafficked firearms	<ul style="list-style-type: none"> • Number of homicides committed with illicit trafficked firearms • Number of violent crimes committed with illicit trafficked firearms 	LEAs internal data GunPolicy.org facts and figures UNODC Global Study on Homicide (2019) UNODC Homicide Statistics 2013 The Economic, Financial, Social Impacts of OC in the EU FIRE Project Armed Violence Monitoring Platform LexisNexis WorldCompliance data (Box 4)
		Increase in the number of convictions for firearms trafficking offences	<ul style="list-style-type: none"> • Number of convictions related to firearms trafficking offences 	Existing statistics about judicial data LexisNexis WorldCompliance data (Box 5)
		Possible disruption of other illicit activities of organised crime groups supported by firearms trafficking (e.g. human and drug trafficking)	<ul style="list-style-type: none"> • Number of active or organised crime groups • Number of criminal offences committed by organised crime groups 	Existing statistics on organised crime groups

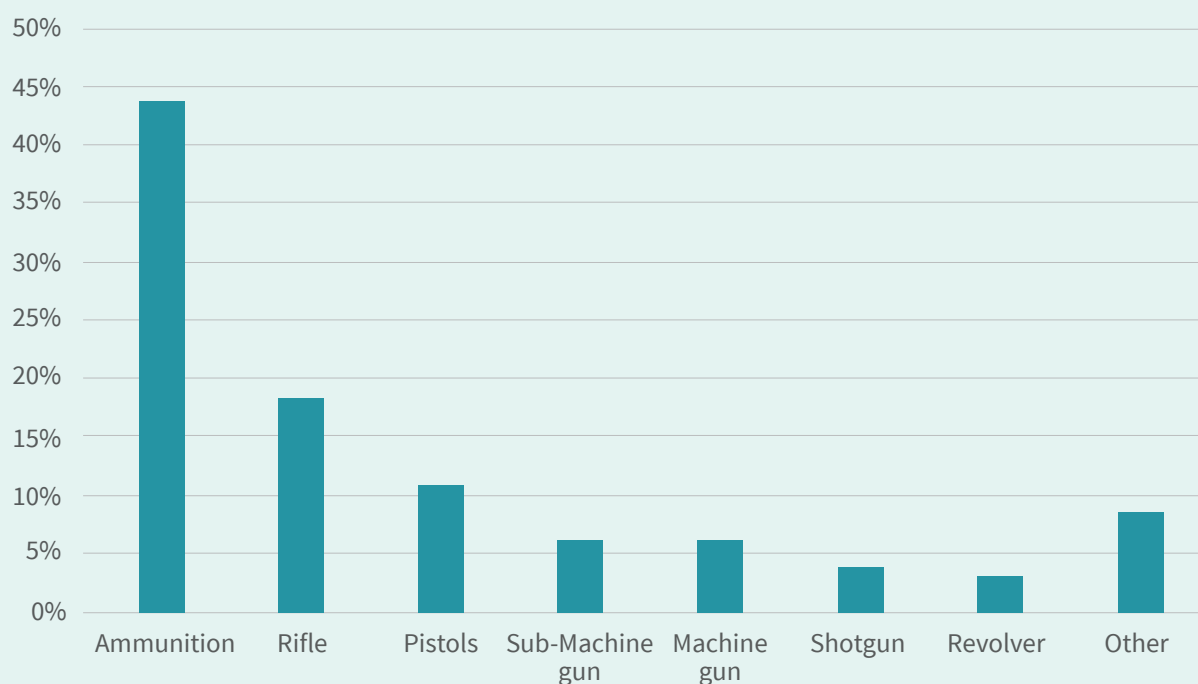
Box 3. Types of firearms detected by LexisNexis WorldCompliance

The data extracted from LexisNexis WorldCompliance allowed to gather extensive and detailed information about the **types of firearms detected in the illicit activities** committed by the 1131 individuals flagged in the Arms Trafficking risk category (see Box 2 for more details). For the purpose of the present analyses, the specific data on the types of firearms were re-categorised following the Study on Firearms by UNODC (UNODC 2015). This data can inform about the types of firearms circulating in Europe and identified by law enforcement. This informs on the specificities of the illicit firearms market in Europe, and on the effectiveness of law enforcement agencies in spotting and removing these firearms from the criminal market. This information can also provide useful **inputs and insights** in relation to **KPI 4** identified by the Commission

in the Annexes of the **2020-2025 EU Action Plan on firearms trafficking**, i.e. Number of cases and quantity of firearms, ammunition and explosives seized inland (including on borders between MSs inside the European Union) compared to the number of cases and quantity of firearms, ammunition and explosives seized at the external borders (borders of south-east Europe partners or EU external border) (European Commission 2020a).

Figure 9 shows that, on a total of **1267 illicit firearms and related ammunitions detected**, almost 45% concerns a variety of ammunitions. Considering firearms, the most detected category is that of rifles (18%), followed by pistols (11%), sub-machine guns (6%), shotguns (6%), and revolvers (3%). The residual category “Other” counts for 8% of the total firearms detected and it includes grenades and a variety of antique firearms.

Figure 9. Types of firearms detected by LexisNexis WorldCompliance for individuals flagged for Arms Trafficking

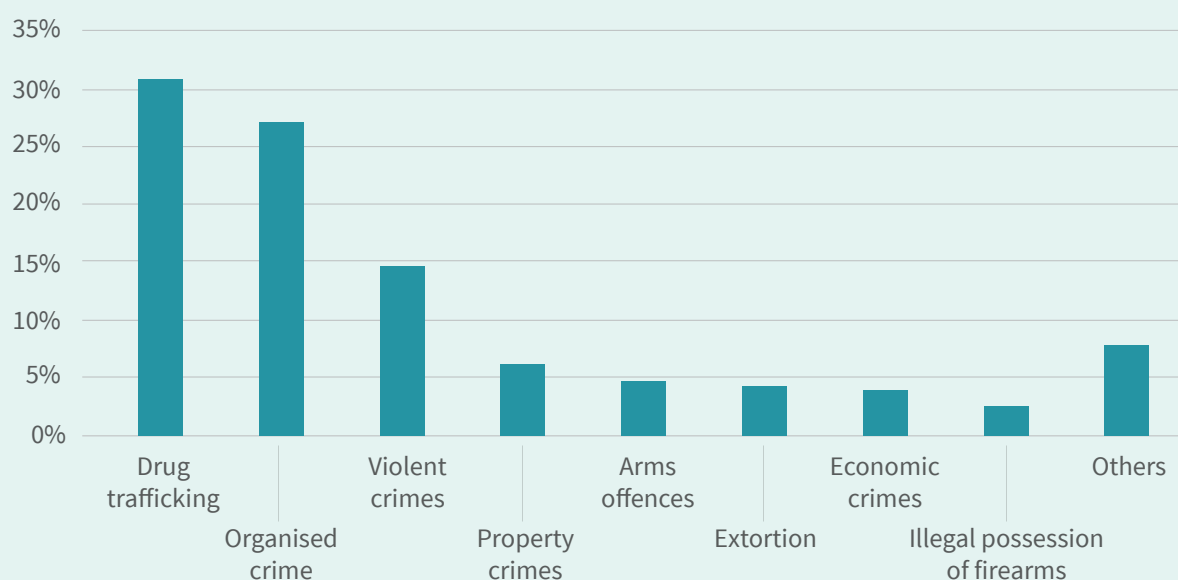


Box 4. Crimes committed by individuals detected by LexisNexis WorldCompliance

The data extracted from LexisNexis WorldCompliance allowed also to gather detailed information about the **crimes committed, in addition to firearms trafficking**, by the individuals flagged in the Arms Trafficking risk category. This data can inform, for example, about the homicides and other violent crimes committed by individuals involved in firearms trafficking as well as their engagement in other illicit trades (e.g. drug trafficking).

Despite the firearms trafficking crimes, a total of **1459 additional crimes** were registered (Figure 10). In more than 30% of the firearms trafficking cases, also crimes related to drug trafficking were registered. In an additional 27% of the firearms trafficking cases, also charges for organised crimes were registered. In an additional 27% of the firearms trafficking cases, also charges for organised crimes were registered. Violent crimes followed, being associated with almost 15% of the registered firearms trafficking cases. Other crimes are associated more rarely with firearms trafficking (i.e. property crimes: 5%; other arms offences: 5%; extortion: 4%; economic crimes: 4%; illicit possession of firearms: 2%; and others: 8%).

Figure 10. Crimes committed by individuals flagged for Arms Trafficking by LexisNexis WorldCompliance*



*The "Others" category includes: terrorism, corruption, forgery, burglary, human trafficking, pharma trafficking, threats, blackmail, banditry, facilitation of unauthorised entry and residence, smuggling of migrants and wildlife smuggling.

Box 5. Judicial position of individuals detected by LexisNexis WorldCompliance

The data extracted from LexisNexis WorldCompliance allowed also to gather information about the **judicial position** of the 1131 individuals flagged in the Arms Trafficking risk category. This data can inform, for example, on the number of convictions, charges, arrests, etc. for firearms trafficking.

Figure 11 shows that, among the individuals flagged for Arms Trafficking by LexisNexis WorldCompliance, 47% of them were sentenced, 31% were arrested, and 21% were only charged. A residual number of individuals have their judicial position suspended (1%), were extradited (0.1%), or released (0.1%).

Figure 11. Judicial position of individuals flagged for Arms Trafficking by LexisNexis WorldCompliance

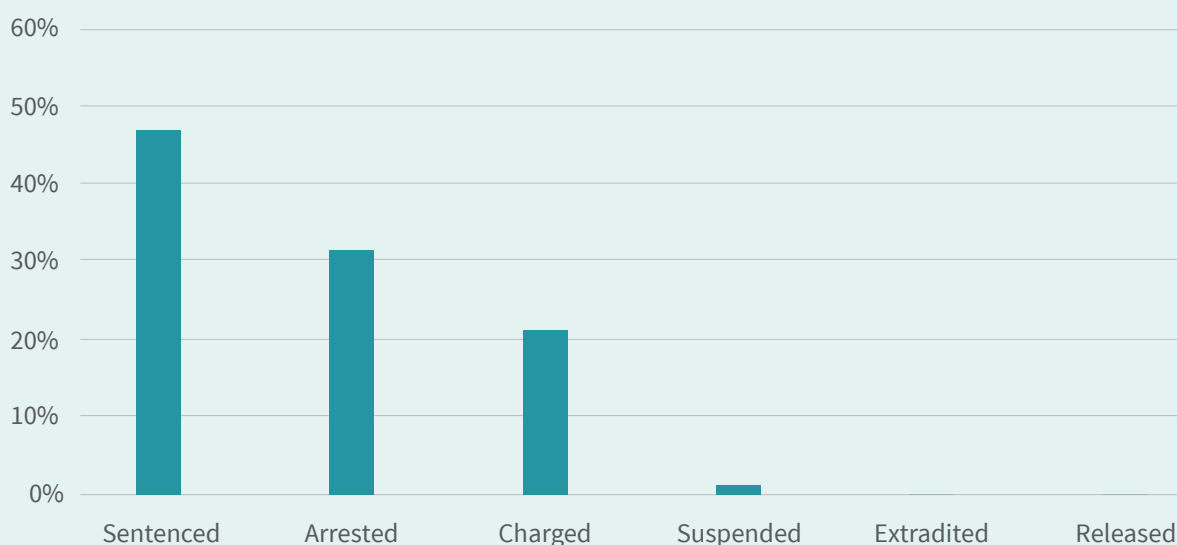


Table 7. Mechanisms for data collection: Environmental impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increase in the use of electricity	• Quantity of electricity used	LEAs internal data
	Indirect	N/A	N/A	N/A
Benefits	Direct	Decrease in the quantity of paper used	• Quantity of paper used	LEAs internal data
	Indirect	N/A	N/A	N/A

Table 8. Mechanisms for data collection: Fundamental human rights impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increased infringement of citizens' privacy (need to provide more personal data to acquire licit firearms, etc.)	<ul style="list-style-type: none"> • Quantity and type of data to be provided to legally acquire firearms • Duration of time data needs to be stored 	LEAs internal data
	Indirect	N/A	N/A	N/A
Benefits	Direct	N/A	N/A	N/A
	Indirect	Right to life	<ul style="list-style-type: none"> • Number of homicides committed with illicit trafficked firearms 	LEAs internal data GunPolicy.org facts and figures UNODC Global Study on Homicide (2019) UNODC Homicide Statistics 2013 The Economic, Financial, Social Impacts of OC in the EU FIRE Project Armed Violence Monitoring Platform
		Improvement in the conditions of victims of other criminal activities supported by firearms trafficking (e.g. human and drug trafficking)	<ul style="list-style-type: none"> • Number of victims of organised crime groups • Duration of the period in which victims suffer harm 	LEAs internal data

From the tables above, it is possible to discern that not all of the areas examined are comparable in terms of the potential impacts they produce. Given both the highly specific focus of this impact assessment and the changes foreseen by the implementation of the considered policy options, **economic and social impacts** proved to be the most relevant, whereas only marginal environmental and fundamental human rights impacts were identified.

In relation to **economic impacts**, the major costs associated with the implementation of the policy options pertain to:

- Expenses associated with hiring additional law enforcement personnel who are specifically in charge of tasks related to data collection;
- Expenditure for software and databases to improve the mechanisms for data collection;

- Related expenditure to train law enforcement personnel in the newly introduced procedures.

These costs are balanced out by the improved efficiency of LEAs procedures in relation to mechanisms for data collection that would rationalise both the processes and the time spent on these tasks.

In relation to **social impacts**, only indirect benefits can be identified. A better management of mechanisms for data collection would:

- Improve citizens' perceived sense of security;
- Increase quality of local institutions and LEAs;
- Allow for better research activities;
- Enhance LEAs ability to more efficiently tackle the phenomenon of firearms trafficking.

Regarding **environmental impacts**, no significant costs or benefits were identified.

With respect to **fundamental human rights impacts**, it must be noted that some privacy issues will arise as a result of the need to provide more personal data to legally acquire firearms. Moreover, there would be a marked increase in the right to life for all citizens, who would have the opportunity to live in a safer environment characterised by both less firearms circulating illegally and greater registration of firearms.

4.2 Evaluation of the impacts

After having accurately determined the potentially relevant impacts, the second step is to actually **evaluate the relevance of these impacts** in relation to the defined policy objectives and the related policy options. The results of the analysis allow for the **comparison of different policy options** and the selection of the **preferred one** in relation to each policy objective (general, specific, operational, and strategic).

Table 9 shows the results of this evaluation. The impacts are measured as **positive, balanced, negative, or non-existent** (the following code is used in Table 9: Positive = P; Balanced = B; Negative = N; Non-Existent = 0).

Table 9. Impact of different policy options on policy objectives in relation to mechanisms for data collection

Policy Objectives		Policy options															
		No action (status quo)				Non-legisla- tive action				Legislative action				Combination of legislative and non-legis- lative action			
		Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights
General	Art. 87.1 TFEU The Union shall establish po- lice cooperation involving all the Member States’ competent authorities, including police, customs and other specialised law enforcement services in re- lation to the prevention, detec- tion and investigation of crimi- nal offences.	0	0	0	0	N	N	N	N	N	N	N	N	N	N	N	N

<i>Specific</i>	Art. 4.4 Directive 2017/853/EU [...] Ensure the establishment and maintenance of a computerised data-filing system, either a centralised system or a decentralised system which guarantees to authorised authorities access to the data-filing systems [...]	0	0	0	0	0	P	0	0	B	B	0	N	B	P	0	P
	Art. 7 UN Firearms Protocol [...] Ensure the maintenance, for not less than ten years, of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition that is necessary to trace and identify those firearms and, where appropriate and feasible, their parts and components and ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities. [...]	0	N	0	N	0	P	0	0	B	B	0	N	B	P	0	P
<i>Operational</i>	Collect all types of data concerning firearms (e.g. seizures, ballistic, forensic, tracking and tracing) in a systematic way	0	0	0	0	B	P	0	0	B	B	0	N	B	P	0	P
<i>Strategic</i>	Harmonise data collection procedures (e.g. variables, tests)	0	0	0	0	B	P	0	0	B	B	0	N	B	P	0	P

4.3 Results

According to the analysis, the best policy option regarding the **general objective** in relation to mechanisms for data collection is the **no action** policy option. Article 87.1 of the TFEU (European Union 2012) aims at establishing police cooperation in both the prevention and investigation of criminal offences; hence, the present objective, which covers a very broad subject matter, and which has been pursued for a long time, can be considered as already being sufficiently achieved. Moreover, considering the available policy options that were developed specifically for the issue of firearms trafficking, none of them are capable of furthering the actual status of achieving the objective, which is also the case when it comes to considering the possibility of investing consistent resources. This results

in all the policy options producing negative economic, social, environmental, and fundamental human rights impacts, with the exception of the no action option that generates no impact.

Instead, the two **specific policy objectives** in relation to mechanisms for data collection, as defined by both Article 4.4 of the Directive 2017/853/EU (European Parliament and European Council 2017) and Article 7 of the UN Firearms Protocol (United Nations 2001) as well as the operational and strategic objectives can be better achieved through the implementation of a **combination of legislative and non-legislative action**. This policy option implies the introduction of some minimal mandatory requirements regarding both the

types of data to be collected and the related variables (i.e. legislative action), but also the development and proliferation of guidelines for LEAs about best practices for collecting data on firearms, and the provision of training to hone LEAs officials' skills in data collection practices (i.e. non-legislative action). The implementation of this policy option allows for the achievement of positive social and fundamental human rights impacts, while, simultaneously, maintaining the balance between economic impacts.

Focusing on the **economic impacts**, this option implies some degree of economic expenditure in order to plan and implement effective infrastructures through which to improve the mechanisms for data collection (i.e. software and databases), in conjunction with the enrolment and training of LEAs officials skilled in data analysis who will be in charge of dealing with these software and databases. However, in the long-term, these costs would be covered by the improved efficiency of procedures, which, in turn, will improve resources, save time, and enhance the fight against firearms trafficking.

In relation to the **social impacts**, the benefits of this policy option greatly outweigh the costs. The major foreseen cost is the possible introduction of more stringent requirements when collecting data on firearms; the consequence of this is that, even when legally acquiring a firearm, it will be necessary to reveal more personal information, which potentially infringes upon individuals' privacy. Conversely, the benefits would include improved efficiency in the fight against firearms trafficking, which, in turn, would lead to an increased feeling of safety, a higher quality of local institutions and LEAs, a reduction of homicides and other violent crimes related to illicit trafficked firearms, and an increased number of convictions for firearms trafficking offences. In addition, the combination of more concretely defined data collection procedures and better trained personnel collecting the data would also increase the quality of research related to firearms trafficking, thus enhancing the overall intelligence picture of the phenomenon.

Regarding the **environmental impacts**, no relevant impacts could be identified. A reduction in the use of paper, balanced by an increase in the use of electricity, could possibly be registered, but these impacts are in line with a worldwide trend that spreads across every field. For this reason, it cannot be considered a specific impact of the present policy option.

Finally, the option consisting of a combination of legislative and non-legislative action would also produce a positive impact in the field of **fundamental human rights**. Improved mechanisms for data collection, allied with more effectively trained LEAs personnel, would increase citizens' right to life, by giving them the opportunity to live in a safer environment, where less firearms circulate illegally. Moreover, the conditions of a larger number of victims of other criminal activities supported by firearms trafficking would be improved.

5. Monitoring the impacts of the selected policy option

The process performed up until now has allowed for both the identification and evaluation of all the impacts that different policy options might have in a wide array of areas (i.e. economic, social, environmental, and fundamental human rights impacts), and defining what are the best policy options for accomplishing the established policy objectives, while, simultaneously, maximising the benefits and minimising the costs.

Once it is determined which amongst the available policy options are the best, and once the selected policy options have been implemented, it is of paramount importance to **monitor the actual impacts** generated by these options. In fact, although a vast selection of possible impacts have already been identified and evaluated in the pre-implementation stage, it is also necessary to verify if the *ex-ante* impact assessment corresponds to reality. An **ex-post evaluation** allows us to understand if the selected policy options actually allow for the possibility of achieving the desired policy objectives, while, simultaneously, producing the expected impacts (European Commission 2017).

To perform the *ex-post* evaluation, the trends of a specific set of impact indicators can be of help. These indicators allow for the effective monitoring of the impacts of the policy options implemented. Table 10 below presents a list of the impact indicators, differentiated by the economic, social, environmental and fundamental human rights areas, to be used in the *ex-*

post evaluation of the operational instrument related to mechanisms for data collection. Some of the indicators in Table 10 have been specifically developed within the scope of the present impact assessment, while others have been taken from the **KPIs provided in Annex 4 of the 2020-2025 EU Action Plan on firearms trafficking** issued by the European Commission (European Commission 2020a).

Table 10. Indicators used to monitor the impacts in the ex-post evaluation related to mechanisms for data collection

Economic impacts	
<i>Indicator</i>	<i>Source*</i>
Number of members of law enforcement involved in combating firearms trafficking	Eurostat crime and criminal justice; UNODC Criminal Justice System; LEAs Internal data
Expenditure for law enforcement personnel involved in combating firearms trafficking	Eurostat crime and criminal justice; UNODC Criminal Justice System; LEAs Internal data
Expenditure for data collection software/database	LEAs Internal data
Expenditure for LEAs training	LEAs Internal data
Number of hours of training provided to LEAs personnel	LEAs Internal data
Expenditure for LEAs training materials	LEAs Internal data
Number of LEAs officials involved in data collection activities	LEAs Internal data
Hours spent engaged in data collection activities	LEAs Internal data
Estimates of organised crime profits	UNODC Estimates of illicit financial flows; The Economic, Financial, Social Impacts of OC in the EU; Existing statistics on OC
Firearms manufacturers revenues	Eurona 2018/2; Orbis by Bureau van Dijk; Manufacturers' internal data
Social impacts	
<i>Indicator</i>	<i>Source*</i>
Number of legally acquired firearms	LEAs Internal data
Percentage of citizens that feel satisfied (disaggregated by age and gender) or safe regarding armed violence (KPI 14, European Commission 2020a)	Eurobarometer
Percentage of citizens that feel threatened by the illegal possession and misuse of weapons (KPI 14.1, European Commission 2020a)	Eurobarometer
Level of concern amongst citizens about firearms trafficking and violence	Eurobarometer
The perception of LEAs regarding the quality of the instruments adopted in their daily activities related to data collection	LEAs Internal data

The perception of citizens regarding the effectiveness of LEAs and local institutions in tackling illicit firearm trafficking	Eurobarometer
Number of funded projects about firearms trafficking	EU Commission funding and tenders' statistics
Amount of resources allocated to firearms trafficking research	EU Commission funding and tenders' statistics
Number of firearms, ammunition, explosives seized inland and at the external border (KPI 4, European Commission 2020a)	LEAs Internal data; UNODC IAFQ
Number of homicides committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of violent crimes committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of convictions related to firearms trafficking offences	Internal data about judicial statistics
Number of active organised crime groups	Organised crime national statistics
Number of criminal offences committed by organised crime groups	Organised crime national statistics
Environmental impacts	
Indicator	Source*
Quantity of electricity used	LEAs Internal data
Quantity of paper used	LEAs Internal data
Fundamental human rights impacts	
Indicator	Source*
Quantity and type of data to be provided to legally acquire firearms	LEAs Internal data
Duration of time that data needs to be stored for	LEAs Internal data
Number of persons murdered/injured/who committed suicide with firearms (KPIs 10.2, 10.3, 10.4, European Commission 2020a)	LEAs Internal data
Number of homicides committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of victims of organised crime groups	LEAs Internal data
Duration of the period in which victims suffer harm	LEAs Internal data

**Sources are indicative. They have been reported here to both give an idea of publicly available data and suggest the types of data that can be collected. New and updated sources could become available in the near future.*

6. Recommendations for the EU and guidelines for LEAs*

6.1 Recommendations for the EU

The Directive 2017/853/EU requires all MSs to arrange and maintain a computerised data-filing system on firearms that is accessible to all authorised authorities of MSs. However, the Directive merely puts forward minimal requirements/standards and its implementation varies significantly from country to country. The gap analysis highlighted that MSs collect different types of data on firearms and adopt distinct data collection procedures. Therefore, the results of the impact assessment indicate that a **combination of legislative and non-legislative action** is necessary for achieving the specific objective stressed by the Directive as well as the identified operational and strategic objectives (i.e. collect all types of data related to firearms in a systematic way and harmonise data collection procedures, e.g. variables, tests, respectively).

The main **recommendations for the EU** that derive from the results of the impact assessment are as follows:

- Introduce some **minimal mandatory requirements** regarding the types of data to be collected and related variables (legislative action). These requirements could be specified by either introducing an *ad hoc* article or modifying an existing one.
- Develop and disseminate **guidelines for LEAs** about best practices for collecting data on firearms in a standardised way. These could be **guidelines manuals or an App** reporting features and images of firearms, components and ammunition, which would facilitate the collection and classification of data from seizures (non-legislative action).
- Promote and provide additional **training** designed to enhance LEAs officials' skills in relation to data collection practices (non-legislative action). Such training should be combined with addressing other relevant topics, such as data sharing, joint criminal investigations and controlled delivery procedures.

- Continue the process of developing a **firearms reference table** to enable the easy classification of firearms in accordance with the EU categories announced in the 2020-2025 EU Action Plan on firearms trafficking (non-legislative action).

6.2 Guidelines for LEAs

Project ECOFIT demonstrates that LEAs in almost all of the countries that provided information collect data on seized firearms, while most countries also keep data on ballistic and forensic testing. Information pertaining to lost, found and stolen legitimate firearms is less often reported directly to the police, such as when, for example, an administrative agency is responsible for maintaining records. However, there are considerable cross-country differences in terms of how data collection is organised, which data is collected, and whether firearms-related data is stored in a single national database.

Below, are the main **guidelines for LEAs** to improve data collection on firearms:

- **Review the process of collecting and storing firearms related-data** with the aim of improving both the quality of relevant information and accessibility at the national level.
- **Organise periodic meetings** amongst NFPs/Firearms Units to define both what kind of data should be collected and common templates for data collection (e.g. a small group of forerunner countries could begin the initial process of defining templates that would subsequently be expanded to other MSs).
- **Set up *ad hoc* databases** at the national level to collect and store data on firearms.
- **Attend all of the training sessions** that are available on data collection.
- **Consult all guidelines manuals** that are available on how to properly gather data on firearms.

* The content of this paragraph has been redacted with the contribution of Prof. Toine Spapens (Tilburg University)

B. Mechanisms for Data sharing

1. Gap analysis

Current legislation and soft law

European dispositions

Much like with the previous instrument, the first mention of a mechanism for data and information sharing regarding firearms in European regulation can once again be traced back to the **Directive No. 91/477 on control of the acquisition and possession of weapons of the Council of the European Economic Community**. Article 13 of the Directive states that:

Each Member State shall communicate all useful information at its disposal concerning definitive transfers of firearms to the Member State to the territory of which such a transfer has been effected. [...] Member States shall set up, by 1 January 1993 at the latest, networks for the exchange of information for the purposes of applying this Article (European Council 1991).

As specified in the previous section, the rationale of the Directive was that the creation of the internal market required the abolition of intra-Community controls at frontiers, which, in turn, removed the possibility of systematically checking individuals for firearms possession. In order to prevent either unnoticed transfers of firearms between EU MSs or confusion due to a lack of information, the Directive required MSs to set up a specialised network for the sole purpose of sharing up-to-date information on firearms transfers. The importance attributed to the establishment of such a network is underscored by the strict time limit (one and a half years) imposed by the Council of European Economic Community at that time concerning building networks for the exchange of information amongst EU MSs.

The **Directive No. 2008/51 of the European Parliament and the European Council** amended Article 13 of the previous Directive as follows:

For the purposes of the efficient application of this Directive, Member States shall exchange information on a regular basis. To this end, the Commission shall set up, by 28 July 2009, a contact group for the exchange of information for the purposes of applying this Article (European Parliament and European Council 2008).

Following this amendment, the responsibility to set up an information-sharing system shifted from MSs to the European Commission, which agreed to “set up a contact group for the exchange of information” (European Parliament and European Council 2008, 6). The restatement of this need suggests that the previous instance failed to produce the expected outcomes.

The successive amendment to the Firearms Directive corresponds to the **Directive No. 2017/853** of 17th May 2017, which once again emphasised the importance of sharing data and information regarding firearms between EU MSs. In particular, the Whereas No. 28 states:

In order to improve the functioning of the exchange of information between Member States, it would be helpful if the Commission could assess the necessary elements of a system to support such exchange of information contained in the computerised data-filing systems in place in Member States, including the feasibility of enabling each Member State to access such a system (European Parliament and European Council 2017).

The Whereas No. 28 highlights the necessity of assessing existing relations between mechanisms for both data collection and data sharing (European Parliament and European Council 2017, 4). The integration of these two types of mechanisms into a single, easily accessible system could represent an important step forward, both in terms of the harmonisation of procedures and the rationalisation of resources.

In addition, the Directive No. 2017/853 added the following paragraphs to Article 13:

The competent authorities of the Member States shall exchange, by electronic means, information on the authorisations granted for the transfer of firearms to another Member State and information with regard to refusals to grant authorisations as provided for in Articles 6 and 7 on grounds of security or relating to the reliability of the person concerned.

The Commission shall provide for a system for the exchange of information mentioned in this Article (European Parliament and European Council 2017).

The Directive remarks upon the role played by the European Commission as the provider of an appropriate information-exchange system, specifying that the sharing of data must be carried out through electronic means (European Parliament and European Council 2017, 6).

Aside from what is stated in legally binding sources, the importance of the process of data sharing is also underscored within other documents. In fact, information-exchange is often described as one of the most crucial means through which the level of operational cooperation between different countries' LEAs can be improved. Article 7 of the **Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union** states that competent authorities should share information related to "criminal offences and the infringements of rules of law" with other States' competent authorities, if necessary imposing certain conditions on the use of such information and data, based upon their own national laws (European Council 2000, 7).

The 2013 **EU Communication Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking** states that "coordinated data collection and sharing of information on firearms involving police, border guards and custom authorities both within Member States and across borders" is part of a broader plan for coherent operational action devised "by firearms and customs experts in Member States and EUROPOL as part of the policy cycle" (European Commission 2013, 16). In addition to that, the Communication urges MSs to insert stolen or lost firearms-related data within existing databases, like SIS and INTERPOL's iARMS, so that an alert can be created and shared between different European countries. The Commission invites MSs to make full use of SIENA (EUROPOL database) for more general illicit firearms-related information (European Commission 2013).

On another occasion, the **European Agenda on Security** defined the exchange of information as one of the "pillars of EU action", when it comes to protecting the security and freedom of European citizens (European Commission 2015a, 5). According to the European Commission the key to improving operational efficiency is the full implementation of existing instruments (European Commission 2015a, 5). It is furthermore specified that:

The Union provides a number of tools to facilitate the exchange of information between national law enforcement authorities. They should be used to the full by the Member States. [...] Member States should use Europol as their channel of first choice for law enforcement information sharing across the EU. Europol's Secure Information Exchange Network Application (SIENA) allows Member States to exchange information in a swift, secure and user-friendly way (European Commission 2015a, 5).

The European Commission once again points out the need to better use pre-existing tools and infrastructures for data sharing, such as, for example, EUROPOL's SIENA. The increased accessibility of information is recognised as a way to facilitate and enhance international cooperation between national LEAs from different MSs (European Commission 2015a).

The topic of data sharing in relation to information concerning the export and import of firearms was also present in the 2018 **Commission Recommendation on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition**. There, the Commission stressed the importance of MSs ensuring that all national competent authorities have direct access to the necessary information. Moreover, the document stresses that “authorities of all Member States should exchange information related to the movement of firearms” to contrast the diversion of civilian firearms to the illegal market (European Commission 2018, 6).

The most recent disposition on the importance of sharing firearms-related data is the **2020-2025 EU Action Plan on firearms trafficking**, which was issued on the 24th of July 2020. The provision states that:

The Commission reiterates its recommendation to Member States to systematically feed the Schengen Information System with information on lost and stolen firearms, as well as sold weapons which are prone to easy conversion into firearms, and consult it when they seize a weapon. The Commission will provide its support to initiatives enabling simultaneous searches and/or entries by national authorities in both the Schengen Information System and INTERPOL's iARMS. [...] It is crucial that all operational and strategic intelligence and risk-related information, relevant for customs, is automatically passed on to the common Customs Risk Management System (CRMS) (European Commission 2020b, 10).

International dispositions

The most important international disposition concerning the importance of developing mechanisms for data sharing to improve judicial cooperation is the **UNTOC Convention**. Article 27 of the Convention affirms that:

States Parties shall cooperate closely with one another [...] to enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention (United Nations 2000).

Additional provisions are also found in the 2001 **UN Firearms Protocol**. Article 12 of the Protocol specifies that:

States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant case-specific information on matters such as authorized producers, dealers, importers, exporters and, whenever possible, carriers of firearms, their parts and components and ammunition (United Nations 2001).

The Article foresees States Parties' LEAs sharing data related to both licit and illicit firearms as well as firearms-related activities and features, in particular “methods and means, points of dispatch and destination and routes customarily used by organized criminal groups engaged in illicit trafficking in firearms, their parts and components and ammunition” (United Nations 2001, 77).

Status of implementation

Implementation of normative dispositions

With respect to the ratification status of the aforementioned European and international dispositions, it should be noted that the Directive No. 91/477 has been implemented by 22 of the 27 MSs (with the exception of Austria, Germany, Ireland, Luxemburg and Malta) as well as by the UK; the successive Directive No. 2008/51 has been implemented by all EU MSs and by the UK; finally, the most recent Directive No. 2017/853 has been implemented by 24 of the 27 MSs (with the exception

of Cyprus, Luxemburg and Slovenia) as well as by the UK. Moreover, all of the State Parties involved in Project ECOFIT, both EU MSs and non-EU SELEC countries, have signed, approved, accepted, accessed or ratified

the UNTOC General Assembly Resolution (2000). However, it is important to note that, out of these State Parties, only Ireland and Malta have neither signed, approved, accepted, accessed nor ratified the 2001 UN Firearms Protocol (Table 11).

Table 11. Status of implementation of dispositions in relation to mechanisms for data sharing

Country	European dispositions			International dispositions	
	Directive No.91/477	Directive No.2008/51	Directive No.2017/853	UNTOC Convention	UN Firearms Protocol
AT		28/07/2010	14/09/2018 14/12/2019	23/09/2004 Ratification	09/10/2013 Ratification
BE	01/01/1993	28/07/2010	14/09/2018 14/12/2019	11/08/2004 Ratification	24/09/2004 Ratification
BG	01/01/2007	28/07/2010	14/09/2018 14/12/2019	05/12/2001 Ratification	06/08/2002 Ratification
HR	01/07/2013	01/07/2013	14/09/2018 14/12/2019	24/01/2003 Ratification	07/02/2005 Accession
CY	01/05/2004	28/07/2010		22/04/2003 Ratification	06/08/2003 Ratification
CZ	01/05/2004	28/07/2010	14/09/2018 14/12/2019	24/09/2013 Ratification	24/09/2013 Accession
DK	01/01/1993	28/07/2010	14/09/2018	30/09/2003 Ratification	04/02/2015 Approval
EE	01/05/2004	28/07/2010	14/09/2018 14/12/2019	10/02/2003 Ratification	12/05/2004 Ratification
FI	01/01/1993	28/07/2010	14/09/2018 14/12/2019	10/02/2004 Ratification	17/05/2011 Acceptance
FR	01/01/1993	28/07/2010	14/09/2018 14/12/2019	29/10/2002 Ratification	28/02/2019 Accession
DE		28/07/2010	14/09/2018 14/12/2019	14/06/2006 Ratification	03/09/2003 Signature
EL	01/01/1993	28/07/2010	14/09/2018 14/12/2019	11/01/2011 Ratification	11/01/2011 Ratification
HU	01/05/2004	28/07/2010	14/09/2018 14/12/2019	22/12/2006 Ratification	13/07/2011 Accession
IE		28/07/2010	14/09/2018 14/12/2019	17/06/2010 Ratification	
IT	01/01/1993	28/07/2010	14/09/2018 14/12/2019	02/08/2006 Ratification	02/08/2006 Ratification
LV	01/05/2004	28/07/2010	14/09/2018 14/12/2019	07/12/2001 Ratification	28/07/2004 Accession
LT	01/05/2004	28/07/2010	14/09/2018 14/12/2019	09/05/2002 Ratification	24/02/2005 Ratification

LU		28/07/2010		12/05/2008 Ratification	11/12/2002 Signature
MT		28/07/2010	14/09/2018 14/12/2019	24/09/2003 Ratification	
NL	01/01/1993	28/07/2010	14/09/2018 14/12/2019	26/05/2004 Ratification	08/02/2005 Accession
PO	01/05/2004	28/07/2010	14/09/2018 14/12/2019	12/11/2001 Ratification	04/04/2005 Ratification
PT	01/01/1993	28/07/2010	14/09/2018 14/12/2019	10/05/2004 Ratification	03/01/2011 Ratification
RO	01/01/2007	28/07/2010	14/09/2018 14/12/2019	04/12/2002 Ratification	16/04/2004 Accession
SK	01/05/2004	28/07/2010	14/09/2018	03/12/2003 Ratification	21/09/2004 Ratification
SI	01/05/2004	28/07/2010		21/05/2004 Ratification	21/05/2004 Ratification
ES	01/01/1993	28/07/2010	14/09/2018 14/12/2019	01/03/2002 Ratification	09/02/2007 Accession
SE	01/01/1993	28/07/2010	14/09/2018	30/04/2004 Ratification	28/06/2011 Ratification
UK	01/05/2004	28/07/2010	14/09/2018 14/12/2019	09/02/2006 Ratification	06/05/2002 Signature
NO				23/09/2003 Ratification	23/09/2003 Ratification
CH				27/10/2006 Ratification	29/11/2012 Accession
AL				21/08/2002 Ratification	08/02/2008 Accession
BA				24/04/2002 Ratification	01/04/2008 Accession
MD				16/09/2005 Ratification	28/02/2006 Accession
ME				23/10/2006 Succession	23/10/2006 Succession
MK				12/01/2005 Ratification	14/09/2007 Accession
RS				06/09/2001 Ratification	20/12/2005 Accession
TR				25/03/2003 Ratification	04/05/2004 Ratification

Source: Directive No. 91/477 national transposition: European Council 1991; Directive No. 2008/51 national transposition: European Parliament and European Council 2008; Directive No. 2017/853 national transposition: European Parliament and European Council 2017; UNTOC Convention ratification status: 'United Nations Treaty Collection' 2020a ; UN Firearms Protocol ratification status: 'United Nations Treaty Collection' 2020b. Information retrieved in October 2020.

Although all of the State Parties involved in Project ECOFIT have introduced Directives provisions within their national legislation (EU MSs only) and signed, approved, accepted, accessed, or ratified at least one of the aforementioned international dispositions (both EU MSs and non-EU SELEC countries), the actual status of implementation of the provisions often varies significantly.

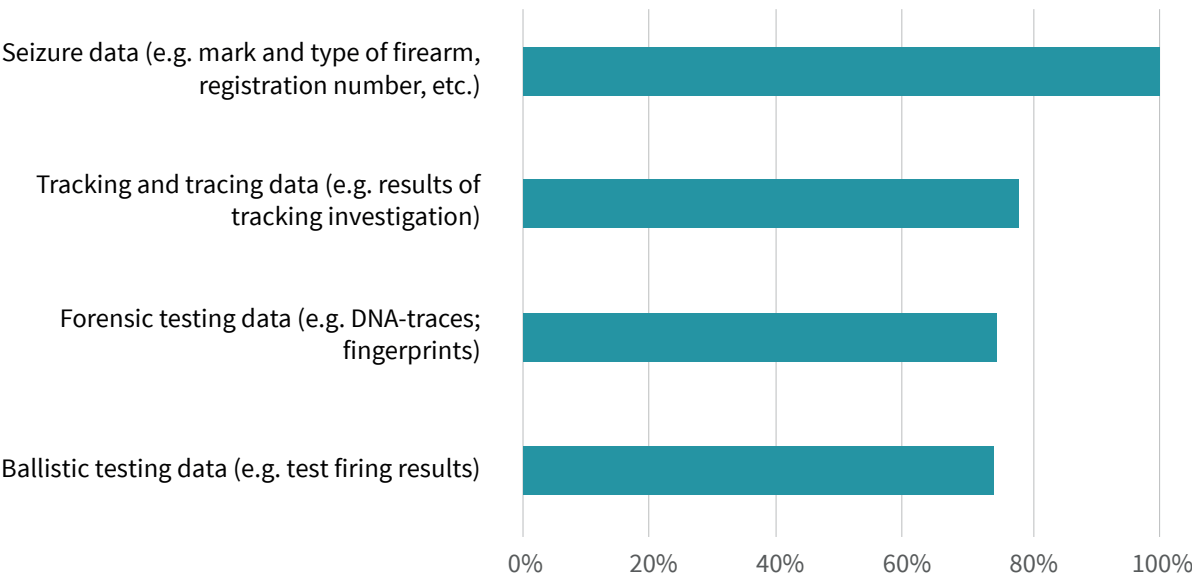
Operational implementation

Detailed information concerning the actual status of implementation was retrieved through the survey that was delivered to key national stakeholders from the EU MSs, the UK, Switzerland, Norway and non-EU SELEC countries.⁹ Amongst the survey respondents, 24 out of 27 countries answered that they share data on illicit firearms with other LEAs, either at the national or international level. One country—Luxembourg—pointed out that it does not share data with other LEAs, either within or outside its national borders. It must be noted

that this country has yet to implement the EU Directive No. 2017/853, while it has signed but not yet ratified the UN Firearms Protocol. This, in conjunction with the possible limited availability of data on illicit firearms, could be a reason for not sharing. Two MSs—Malta and Moldova—replied that they were not aware of whether data are shared in practice, although the latter did nevertheless provide some answers to the survey.

As one can discern in Figure 12, all the responding countries share seizure data with other national enforcement agencies (100%, i.e. 23 out of 23). Tracking and tracing data and statistical data are shared by 78% of the respondents, respectively (with the exception of Germany, Greece, Albania, Turkey and Bosnia and Herzegovina). 74% of the respondents also share ballistic testing data (with the exception of Bulgaria, Greece, Italy, Serbia, Albania and North Macedonia) and forensic data (with the exception of Bulgaria, Italy, the UK, Serbia, Albania and North Macedonia).

Figure 12. Types of data shared with other LEAs at the national level



Data sharing outside of national borders is subject to somewhat different rules. Countries that share data within their national agencies may not share them with agencies from other EU States. As shown in Figure 13, all responding countries, with the exception

of Switzerland, Bosnia and Herzegovina and Moldova (87%), share seizure data with agencies of EU MSs. Tracking and tracing data are shared by 78% of the respondents, while ballistic and forensic testing data are shared by 74% of the respondents.

9. It must be noted here that the information provided in the survey might differ from the actual status of implementation of the

provisions, as a result of either clerical errors or misinformation from the respondents.

Data sharing with non-EU MSs is subject to different rules than both national and within-EU data sharing. As displayed in Figure 14, all responding countries—with the exception of Switzerland and Bosnia and Herzegovina—share seizure data with non-EU national enforcement agencies (90%, i.e. 19 out of 21). With the excep-

tion of Lithuania, Montenegro, Moldova and Turkey, all share ballistic data (81%). Forensic data are shared by 76% of the respondents (Lithuania, the UK, Albania, Moldova and Turkey do not), while tracking and tracing data are shared by 71% of the countries (Greece, Italy, Lithuania, Albania, Moldova and Turkey do not).

Figure 13. Types of data shared with other LEAs in other EU MSs

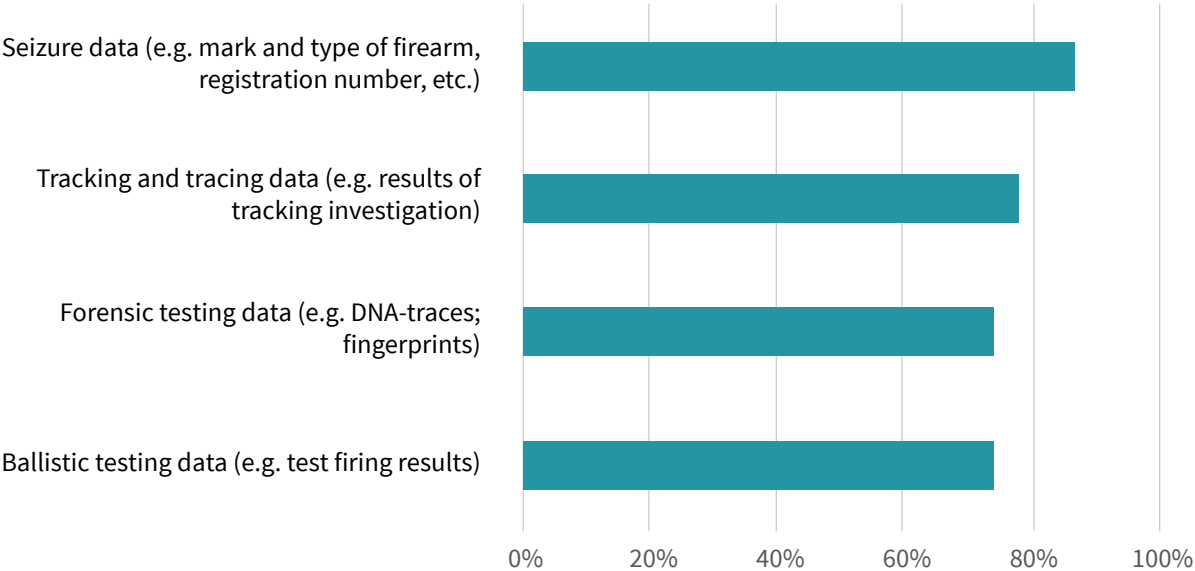
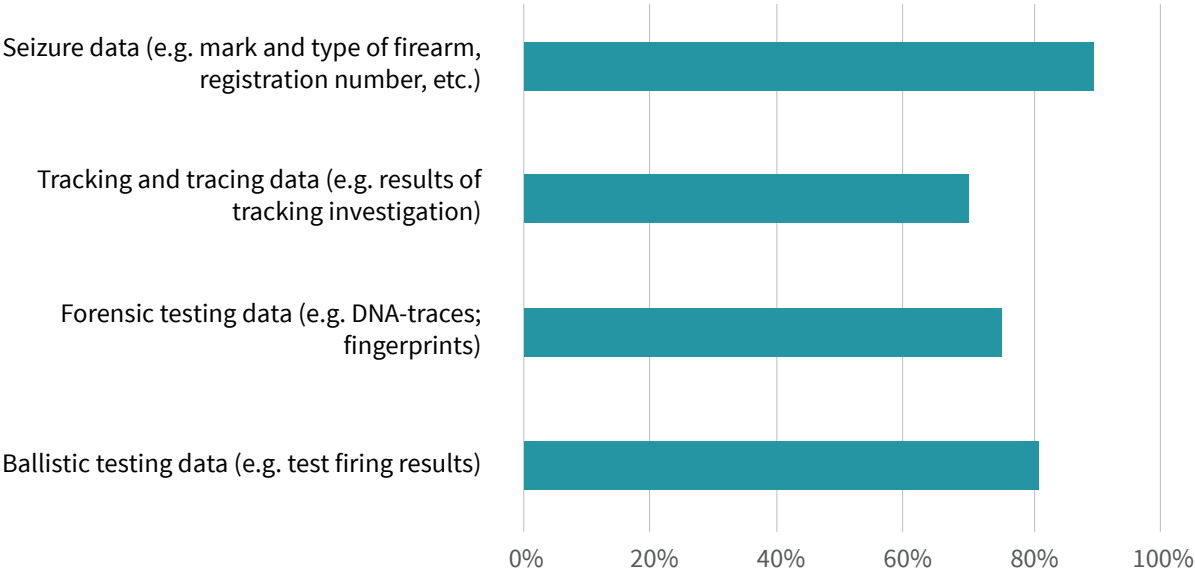


Figure 14. Types of data shared with other LEAs in non-EU countries



The majority of countries share microdata with other national LEAs (e.g. data at the individual level, single seizure level, or single firearm level). Only four countries share aggregated statistics (i.e. Greece, France, Albania and North Macedonia), while two countries (i.e. Montenegro and Turkey) share both microdata and ag-

gregated statistics. Six countries did not provide details about the form in which data are shared (i.e. Germany, Hungary, Slovakia, Slovenia, Bosnia and Herzegovina and Moldova). The majority of countries (13) share microdata with agencies in other EU countries, France shares aggregated statistics, Albania, Montenegro and

North Macedonia share both microdata and aggregate statistics, while seven countries—Croatia, Hungary, Slovakia, Slovenia, Bosnia and Herzegovina, Turkey and Moldova—did not provide details concerning the form in which data are shared. With respect to the data that are shared with non-EU State Parties, nine countries share microdata, Lithuania and Portugal share aggregated statistics, Albania, Montenegro and North Macedonia share both microdata and aggregate statistics, while nine countries—France, Greece, Hungary, Slovakia, Slovenia, Serbia, Bosnia and Herzegovina, Turkey and Moldova—failed to provide details about the form in which the data are shared.

Regarding the frequency of the data sharing with other LEAs at the national level, with other EU MSs, and with non-EU countries, the majority of the data are shared amongst LEAs on an *ad hoc* basis. In a handful of cases, common databases are used for sharing seizure data (in Greece, Finland, Lithuania, Spain, Switzerland and Montenegro), for ballistic data (in North Macedonia, Portugal and Spain), forensic data (in Portugal), tracking and tracing data (in Spain and North Macedonia) and statistical data (in Switzerland and Turkey). However, even in these handful of cases in which common databases are used, this does not occur systematically with respect to the data that are shared with national, EU and non-EU agencies.

Some international institutions (e.g. UNODC, EUROPOL, INTERPOL) gather data on illicit firearms at both the European and international level through different specific systems. The following systems were considered in the survey (in alphabetical order):

- Customs Information System (CIS);
- e-TRACE;
- EUROPOL Information System (EIS);
- EUROPOL Secure Information Exchange Network Application (SIENA);
- INTERPOL Ballistics Information Network (IBIN);
- INTERPOL Illicit Arms Records and tracing Management System (iARMS);
- iTRACE;

- Platform for the EUROPOL Analysis System (EAS);
- Schengen Information System (SIS);
- UN Illicit Arms Flows Questionnaire (UN-IAFQ).

All 18 European countries that provided feedback on this point share data using at least one of these systems (i.e. all of the countries that replied to the data sharing section, with the exception of Malta and Norway). Regarding non-EU SELEC countries, Serbia, Montenegro and North Macedonia share data using at least one of these systems; Bosnia and Herzegovina only shares data that is reliant on a non-specified system; Albania relies on the CEN (Customs Enforcement Network), RILO and WCO systems; and Moldova and Turkey appear to not share data using any international systems (Table 12).

Table 12. International systems by which data are shared

	EU MSs	Non-EU SELEC countries
CIS	11 (61%)	0 (0%)
e-TRACE	9 (50%)	0 (0%)
EIS	16 (89%)	1 (14%)
SIENA	18 (100%)	4 (57%)
IBIN	9 (50%)	3 (43%)
iARMS	13 (72%)	0 (0%)
iTRACE	5 (28%)	0 (0%)
EAS	11 (61%)	0 (0%)
SIS	14 (78%)	0 (0%)
UN-IAFQ	13 (72%)	3 (43%)
Other	0 (0%)	2 (29%)

Gap analysis

Normative gaps

As was the case for the collection of data, also the sharing of data proved to be fundamental, but particularly challenging for LEAs. In this regard, in the **Evaluation of the 2015-2019 Action Plan on firearms trafficking between the EU and the south-east Europe region**, the European Commission recognised the value that agreements between European countries and EUROPOL have in terms of establishing a network of

improved information and data exchange. However, the Commission underscored that there was additional room for improvement in data sharing practices (European Commission 2019). In particular, in the concluding part of the document, attention is paid to the fact that, especially in the forensic and ballistic fields, “technologies vary widely across the region, which impedes exchanges and cross-comparison across borders” (European Commission 2019, 11). As a result, “ballistic analysis and international comparisons are carried out on a case-by-case basis and are neither systematic nor fully automatized” (European Commission 2019, 11). Furthermore, the document highlights how the “iARMS database is not systematically populated” (European Commission 2019, 12).

The dispositions regulating the process of firearms data sharing are the same as those already mentioned for the data collection process. In this regard, 5 out of 27 EU MSs have not yet implemented the Directive No. 91/477 into their national legislation (i.e. Austria, Germany, Ireland, Luxembourg and Malta); the successive Directive No. 2008/51 has been implemented by all EU MSs and by the UK; finally, only Cyprus, Luxembourg and Slovenia have not yet implemented the most recent Directive No. 2017/853. However, as aforesaid, Directives No. 2008/51 and No. 2017/853 are amendments of the Directive No. 91/477, and, as such, although some MSs did not implement the first Directive, most implemented the subsequent amendments and thus integrated their national legislation with the most recent provisions required by the EU. Therefore, considering European dispositions, only **Cyprus, Luxembourg and Slovenia** are adopting lower standards than those formally required by the EU with respect to the process of data sharing in relation to firearms (Table 11).

In the case of international dispositions, all of the countries that participated in Project ECOFIT have ratified the General Assembly Resolution following the UNTOC Convention. However, it must be noted that, amongst the same group of State Parties, **Ireland and Malta** have neither signed, approved, accepted, accessed nor ratified the 2001 UN Firearms Protocol (Table 11).

Although there is a high level of compliance with formally binding EU Directives and international disposi-

tions, there are some discrepancies in the way in which State Parties set up the operational aspects of firearms data sharing.

Operational gaps

Protocols and norms are designed to provide the basic tenets that all signatories must follow, thus creating a homogeneous starting point. However, further developments and implementations of the general dispositions are left up to States Parties, which often opt to take slightly different directions, thus generating operational gaps that go beyond the normative ones.

The authorities in **Luxembourg** who responded to the survey claimed that **LEAs in the country do not share data with other LEAs, neither within nor outside their national borders**. This may stem from the fact that Luxembourg has only implemented the Directive No. 2008/51 in its national legislation, but not the most recent Directive No. 2017/853. Moreover, although the country is one of the ratifying parties to the UNTOC Convention, it has only signed and not ratified the UN Firearms Protocol.

Amongst the other 24 responding countries,¹⁰ there are **significant operational gaps in terms of the types of data that each country shares both within and outside its national borders** (Table 13). The form in which data are shared, on the other hand, is consistent across the respondents, with **France** being the **only country sharing aggregated statistics rather than microdata**, thus highlighting a relevant operational gap with respect to the European standard. The same consistency can be observed in the frequency with which LEAs share data, with the **majority of States sharing data on an ad hoc basis** (e.g. upon request), with only a few countries doing so regularly (Austria, France, North Macedonia, Portugal, Serbia, the UK), especially when it comes to sharing data with LEAs in their own country. The **paucity of automatic procedures** to share data via international systems greatly contributes to making the **data sharing process** on firearms **complex and non-functional**.

10. It must be noted that the information provided by the respondents in the survey may be imprecise or incorrect, as a result of either clerical errors or misinformation from the respondents, which potentially creates internal inconsistencies.

Gaps between countries can also be observed **amongst both the authorities who have decision-making power with respect to data sharing and the entities with which the data can be shared**. Granting decision-making power to different authorities can impact upon the readiness and speed with which data are shared between both LEAs and countries. Requesting

authorisation, especially from institutions that differ from the data owners, may result in a lengthier process. **Streamlined data sharing procedures**, on the other hand, **could result in more timely cooperation**. Authorities that hold decision-making powers vary significantly across Europe (Table 14). Surprisingly, NFPs have been bestowed with this power in Bulgaria, Lithuania, Serbia, Slovakia, Slovenia, Spain, and the UK.

Table 13. Types of data shared by each country

	With other LEAs within the country					With other LEAs in EU countries					With other LEAs in non-EU countries				
Country	Seizures	Ballistic tests	Forensic tests	Tracking & tracing	Statistical data	Seizures	Ballistic tests	Forensic tests	Tracking & tracing	Statistical data	Seizures	Ballistic tests	Forensic tests	Tracking & tracing	Statistical data
AL															
AT															
BA															
BG															
HR															
CZ															
FI															
FR															
DE															
EL															
HU															
IT															
LT															
LU															
ME															
MK															
PT															
RO															
RS															
SK															
SI															
ES															
CH															
TR															
UK															

Note: Light blue cells=data types shared, dark blue cells=data types not shared, grey cells=data not available

Table 14. Authority in each country with decision-making power over data sharing

	With other LEAs within the country						With other LEAs in EU countries						With other LEAs in non-EU countries								
Country	Information owner	Head of Police department	NFP	Head of national Police	Public prosecution	Ministry (e.g. Justice)	Other	Information owner	Head of Police department	NFP	Head of national Police	Public prosecution	Ministry (e.g. Justice)	Other	Information owner	Head of Police department	NFP	Head of national Police	Public prosecution	Ministry (e.g. Justice)	Other
AL																					
AT																					
BA																					
BG																					
HR																					
CZ																					
FI																					
FR																					
DE																					
EL																					
HU																					
IT																					
LT																					
LU																					
ME																					
MK																					
PT																					
RO																					
RS																					
SK																					
SI																					
ES																					
CH																					
TR																					
UK																					

Note: Light blue cells=authorities with decision-making power, dark blue cells=authorities without decision-making power, grey cells=information is not available.

Table 15. Agencies with which data can be shared

	With other LEAs within the country						With other LEAs in EU countries						With other LEAs in non-EU countries								
Country	Public prosecution	Police	Customs	Administrative agency	Licensing authorities	Intelligence services	Other	Public prosecution	Police	Customs	Administrative agency	Licensing authorities	Intelligence services	WOther	Public prosecution	Police	Customs	Administrative agency	Licensing authorities	Intelligence services	Other
AL																					
AT																					
BA																					
BG																					
HR																					
CZ																					
FI																					
FR																					
DE																					
EL																					
HU																					
IT																					
LT																					
LU																					
ME																					
MK																					
PT																					
RO																					
RS																					
SK																					
SI																					
ES																					
CH																					
TR																					
UK																					

Note: Light blue cells=agencies with which data are shared, dark blue cells=agencies with which data are not shared, grey cells=information is not available

Similarly, sharing data with a wide range of authorities may result in a more effective flow of information, but it may come at the cost of limited oversight. Once again, there is notable variation between European countries (Table 15), with the Police being the only consistent authority with which LEAs share data, both within and across national borders.

One of the ways through which LEAs across Europe share firearms-related data is via **common international databases and networks** (e.g. SIS, SIENA, iARMS, IBIN). Indeed, only Moldova does not use any of these systems. The majority of the respondents share information via these systems on an *ad hoc basis*—e.g. upon request—while regular and automatic data sharing are still fairly uncommon practices. SIENA is the only system that all the respondents reported to use in their country. Conversely, **SIS** is the platform via which **countries automatically share data most often**. France, Greece, Finland, Hungary, Portugal, Slovenia, Spain and Switzerland all share information automatically, while Austria, Italy, Slovakia and the UK share it regularly, and Germany, Lithuania and Spain share it upon request. The vast majority of the respondents share information through the **SIENA** network on an ***ad hoc basis***, while only three countries—Albania, Austria and the UK—share it on a regular basis. The same holds true for **EIS**, with only Italy and the UK sharing data regularly, while **Albania does not use this system**. Rather, Albania, along with Slovenia, automatically shares data via **iARMS**, while Portugal and the UK do so on a regular basis, and all other countries—with the exception of

Austria, Germany and Greece, which do not use the system—share it on an *ad hoc* basis. **IBIN is not used by the Czech Republic, France and Greece**. Lastly, many respondents—at least five for each system—are **unaware** of whether LEAs in their country share information via **IBIN, CIS, e-TRACE, iTRACE**.

As previously mentioned, the **strong reliance on national procedures and databases constitutes the major obstacle to cross-border cooperation and the adoption of international standards**. A stronger reliance on international networks and procedures would allow for a more effective informational flow across Europe, which, in turn, would yield significant advantages for law enforcement coordination in investigations concerning firearms trafficking.

2. Policy objectives and intervention logic

The following scheme (Table 16) summarises the process that led up to both the definition of the policy objectives and the intervention logic of the second operational instrument included in the analysis, i.e. mechanisms for data sharing. The identification of the main gaps related to data sharing on firearms allows for the determination of how the current situation can be improved, by defining the general, specific, operational, and strategic objectives. The achievement of these objectives leads to specific outcomes and results.

Table 16. Intervention logic of the mechanisms for data sharing on firearms

Main gaps	General objective	Specific objectives	Operational and strategic objectives	Outcomes	Results	
Different formats of the data on firearms	The Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences (Art. 87.1 Treaty on the Functioning of the European Union)	Exchange information on firearms between Member States on a regular basis (Art. 13.3 Directive 2017/853/EU)	OPERATIONAL: Share all types of data concerning firearms (e.g. seizures, ballistic, forensic, tracking and tracing) in a systematic way	<ul style="list-style-type: none">- EU MSs and other countries beyond the EU to systematically feed SIS, iARMS and all the other international databases- MSs and other countries beyond to systematically consult SIS, iARMS and all the other international databases- MSs and other countries beyond to systematically follow harmonised and standardised data sharing procedures	<ul style="list-style-type: none">- Better exchange of information between LEAs- Increased traceability of firearms- Better risk assessment and identification of new trends	
Lack of a full awareness over the importance of data sharing						
Data sharing is mostly <i>ad hoc</i> and rarely done on a regular basis		Exchange all relevant case-specific information on firearms, their parts and components and ammunition (Art. 12.1 UN Firearms Protocol)	STRATEGIC: Harmonise data sharing procedures (e.g. frequency, authorisation process, international databases)			
Differences in the types of data shared across countries						
Problems with personal data						

3. Policy options

With regard to the operational instrument of mechanisms for data sharing, four policy options are identified:

- **No action (status quo):** Article 87.1 of the TFEU, Article 13.3 of the Directive 2017/853/EU and Article 12.1 of the UN Firearms Protocol continue to be the reference point for data sharing on firearms. Neither new legislative nor non-legislative actions need to be implemented to improve and make more efficient the mechanisms for sharing data. Under this option, it is suggested that the given articles, and the manner in which they are currently being implemented, should remain the same. This

means that the status of implementation of legislative and soft-laws measures should remain unaltered with respect to the situation portrayed in the Gap analysis section.

- **Non-legislative action:** new education and information activities for LEAs personnel involved in data sharing practices needs to be developed and introduced. More specifically, additional **training sessions**, besides those already provided by CEPOL,¹¹ should be organised and delivered to LEAs officials with the aim of spreading best practices on how to share precise firearms data (e.g. pro-

11. For example, the firearms online module, which is available at: <https://www.cepola.europa.eu/media/news/updated-firearms-online-module-available-self-paced-learning>

moting comparable data standards at the national level) as well as educating them in the benefits of sharing data (i.e. enhancing LEAs operational officials “international mindset” to make them more cognisant of the importance of sharing data for efficient cooperation with other LEAs). For example, the **Action 2.1 of the EC 2020-2025 Action Plan on firearms trafficking** recommends using SIS and iARMS to share data (European Commission 2020b). Additional training sessions might, firstly, highlight the advantages of these two systems to those countries that still do not employ them, and secondly, instruct those countries already employing them in how to best exploit the features of these systems to facilitate their tasks. In addition, the non-legislative option could also include the development of **guidelines** to facilitate LEAs officials’ day-to-day activities. Finally, this option could also include the **enhancement of existing international databases**, in order to extend data sharing processes amongst State Parties. This is because developing new databases, according to the information retrieved during the stakeholder and expert consultations, might not be a viable policy option. In fact, the effort and resources that would be required would be huge, and, moreover, LEAs appear to be relatively satisfied with existing systems.

- **Legislative action:** the introduction or modification of an article in the in force Directive 2017/853/EU that imposes on all states some minimal requirements for the sharing of data (e.g. frequency of sharing, level of details, databases to be used).
- **Combination of legislative and non-legislative action:** the introduction of some elements foreseen in the non-legislative action combined with some elements of the legislative action. For example, this might involve introducing a new mandatory article in the Directive 2017/853/EU requesting the sharing of specific types of data, in conjunction with the provision of guidelines to better implement the requirements imposed by the newly introduced article of the Directive.

4. Analysis of the impacts

4.1 Identification of the impacts

The present impact assessment aims to identify which of the envisaged policy options results in the most optimal solution to achieving the appointed policy objectives in relation to mechanisms for data sharing.

As highlighted in the Methodology section, the first step in analysing the impacts is to accurately determine **all the foreseeable impacts** that each policy option may have upon the current situation in relation to existing mechanisms for data sharing on firearms.

The tables below report the potential impacts that the identified policy options might cause, in addition to an array of indicators and the data sources to be used to monitor these impacts. Most data on illicit firearms are not publicly available, but rather are data that are internally collected by LEAs. In some cases, some sources about more general data (i.e. not specifically dealing with illicit firearms) are reported to give an idea of publicly available data and to suggest the types of data that can be collected. The impacts are distinguished between costs and benefits. Each of these can be identified as a **direct cost/benefit** if the impact is a direct consequence of the implementation of a policy option; on the contrary, it can be identified as an **indirect cost/benefit** if the impact is a second-order consequence, which means that it is not caused directly by the implementation of the policy option, but rather by one of its direct impacts (European Commission 2017). More specifically, Table 17 presents the possible economic impacts, Table 18 depicts the possible social impacts, Table 19 delineates the possible environmental impacts, and Table 20 provides the possible impacts on fundamental human rights.

Table 17. Mechanisms for data sharing: Economic impacts

Cost/ Benefit	Direct/ Indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increase in law enforcement expenditure	<ul style="list-style-type: none"> • Number of members of law enforcement (police, prosecution, and court) involved in combating firearms trafficking • Expenditure for law enforcement personnel involved in combating firearms trafficking • Systems used to share data • Frequency with which data are shared 	Eurostat crime and criminal justice UNODC Criminal Justice System – Police UNODC Criminal Justice System – Prosecution UNODC Criminal Justice System – Court LEAs internal data ECOFIT Survey: Question 2.13 (Box 6)
		Increase in expenditure for data sharing software/databases	<ul style="list-style-type: none"> • Expenditure for data sharing software/databases 	LEAs internal data
		Increase in expenditure for LEAs training, adaptation and procedure standardisation	<ul style="list-style-type: none"> • Expenditure for LEAs training • Number of hours of training for LEAs personnel 	LEAs internal data
	Indirect	Expenditure for training manuals and materials	<ul style="list-style-type: none"> • Expenditure for LEAs training materials 	LEAs internal data
Benefits	Direct	Increase in the efficiency of data sharing procedures	<ul style="list-style-type: none"> • Number of LEAs officials involved in data sharing activities • Hours spent in data sharing activities 	LEAs internal data
	Indirect	Decrease in the profitability of organised crime (especially additional sources of funding)	<ul style="list-style-type: none"> • Estimates of organised crime profits 	Existing organised crime group statistics
		Increased revenues for firearms manufacturers	<ul style="list-style-type: none"> • Firearms manufacturers revenues 	Eurona 2018/2 Orbis by Bureau van Dijk Manufacturers of internal data

Table 18. Mechanisms for data sharing: Social impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increased difficulty in legally acquiring firearms	• Number of legally acquired firearms	LEAs internal data
	Indirect	N/A	N/A	N/A
Benefits	Direct	N/A	N/A	N/A
	Indirect	Increase in feeling of safety due to improved efficiency in the fight against firearms trafficking	• Level of concern amongst citizens about firearms trafficking and violence	Flash Eurobarometer 383
		Increase in the quality of local institutions and LEAs due to the use of better tools and instruments	<ul style="list-style-type: none"> • LEAs perception of the quality of the instruments adopted in their daily activities related to data sharing • Number of seized firearms • Citizens' perceptions of the effectiveness of LEAs and local institutions in tackling illicit firearm trafficking 	LEAs internal data UNDOC Arms seized by type LexisNexis WorldCompliance data (Box 3)
		Reduction of homicides and other violent crimes related to illicit trafficked firearms	<ul style="list-style-type: none"> • Number of homicides committed with illicit trafficked firearms • Number of violent crimes committed with illicit trafficked firearms 	LEAs internal data GunPolicy.org facts and figures UNODC Global Study on Homicide (2019) UNODC Homicide Statistics 2013 The Economic, Financial, Social Impacts of OC in the EU FIRE Project Armed Violence Monitoring Platform LexisNexis WorldCompliance data (Box 4)
		Increase in the number of convictions for firearms trafficking offences	• Number of convictions related to firearms trafficking offences	Existing statistics on judicial data LexisNexis WorldCompliance data (Box 5)
		Improved quality of research related to firearms trafficking	<ul style="list-style-type: none"> • Number of funded projects about firearms trafficking • Amount of resources allocated to firearms trafficking research 	EU Commission funding and tenders' statistics
		Possible disruption of other illicit activities of organised crime groups supported by firearms trafficking (e.g. human and drug trafficking)	<ul style="list-style-type: none"> • Number of active organised crime groups • Number of criminal offences committed by organised crime groups 	Existing organised crime group statistics

Table 19. Mechanisms for data sharing: Environmental impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific im- pact	Data source
Costs	Direct	Increase in the use of elec- tricity	• Quantity of electricity used	LEAs internal data
	Indirect	N/A	N/A	N/A
Benefits	Direct	Decrease in the quantity of paper used	• Quantity of paper used	LEAs internal data
	Indirect	N/A	N/A	N/A

Table 20. Mechanisms for data sharing: Fundamental human rights impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increase in the infringement of citizens' privacy (need to provide more personal data to acquire licit firearms, etc.)	<ul style="list-style-type: none"> • Quantity and type of data to be provided to legally ac- quire firearms • Duration of time data needs to be stored • Number of entities with whom data can be shared 	LEAs internal data
	Indirect	N/A	N/A	N/A
Benefits	Direct	N/A	N/A	N/A
	Indirect	Right to life	• Number of homicides com- mitted with illicit trafficked firearms	LEAs internal data GunPolicy.org facts and figures UNODC Global Study on Homicide (2019) UNODC Homicide Statistics 2013 The Economic, Financial, Social Impacts of OC in the EU FIRE Project Armed Violence Monitoring Platform
		Improvements in the con- ditions of victims of other criminal activities support- ed by firearms trafficking (e.g. human and drug traf- ficking)	<ul style="list-style-type: none"> • Number of victims of organ- ised crime groups • Duration of the period in which victims suffer harm 	LEAs internal data

Considering the fact that the operational instrument of mechanisms for data sharing is strongly related to the operational instrument of mechanisms for data collection, one can also discern in this case that not all of the areas examined are comparable in terms of the potential impacts they produce. **Economic and social impacts** prove to be the most relevant, whereas only marginal environmental and fundamental human rights impacts were identified.

In relation to **economic impacts**, the major costs associated with the implementation of the policy options pertain to:

- Expenses associated with hiring additional law enforcement personnel who are specifically in charge of tasks related to data sharing;
- Expenditure for software and databases to improve mechanisms for data sharing;
- Related expenditures for training LEA officials in the newly introduced procedures.

These costs are balanced out by the improved efficiency of LEAs procedures in relation to mechanisms for data sharing that would streamline processes and the time spent performing these tasks.

In relation to **social impacts**, only indirect benefits were identified. A better management of mechanisms for data sharing would:

- Improve citizens' perceived security;
- Increase the quality of local institutions and LEAs;
- Allow for better research activities;
- Enhance the ability to more efficiently tackle the phenomenon of firearms trafficking.

In relation to **environmental impacts**, no significant costs or benefits were identified.

Focusing on **fundamental human rights impacts**, it must be noted that some privacy issues may arise as a result of the need to share more personal data when legally acquiring firearms. In addition, an increase in the right to life for all citizens, who would have the opportunity to live in a safer environment in which less firearms circulate illegally, can also be registered.

Box 6. Systems used to share data and the frequency with which data are shared

As a consequence of the ECOFIT Survey (see the Gap analysis section), it was possible to both gather knowledge about the international databases used by countries to share their data and understand how frequently data are shared (see Table 12). This information can provide useful **inputs and insights** in relation to some of the KPIs identified by the Commission in the Annexes of the **2020-2025 EU Action Plan on firearms trafficking**. More specifically, about **KPI 9.4** (i.e. Number of intelligence-led cases of operational cooperation

with EUROPOL/EMPACT), **KPI 9.6** (i.e. Number of intelligence-led cases of operational cooperation with INTERPOL), and **KPI 9.8** (i.e. EU-only: Number of entries and searches in SIS) (European Commission 2020a).

The above information can indirectly inform the expenditure of countries on data sharing activities. In fact, the more systems that are used and the more frequently data are shared, the more the effort that will be required by LEAs in terms of time and resources, and, hence, expenditure.

4.2 Evaluation of the impacts

After having accurately determined potentially relevant impacts, the second step is to actually **evaluate the relevance of these impacts** in relation to both the defined policy objectives and the related policy options.

Table 21 shows the results of this evaluation. The impacts are measured as **positive, balanced, negative,**

or non-existent (the following code is used in Table 21: Positive = P; Balanced = B; Negative = N; Non-Existent = 0).

The results of the analysis allow for the **comparison of different policy options** and the selection of the **preferred one** in relation to each policy objective (general, specific, operational, and strategic).

Table 21. Impact of different policy options on policy objectives in relation to mechanisms for data sharing

Policy Objectives		Policy options															
		No action (status quo)				Non-legislative action				Legislative action				Combination of legislative and non-legislative action			
		Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights
<i>General</i>	Art. 87.1 TFEU The Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences.	0	0	0	0	N	N	N	N	N	N	N	N	N	N	N	N
<i>Specific</i>	Art. 13.3 Directive 2017/853/EU [...] Member States shall exchange information [on firearms] on a regular basis. [...]	0	0	0	0	P	P	0	0	N	B	0	B	B	P	0	B

Specific	Art. 12.1 UN Firearms Protocol [...] States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant case-specific information on matters such as authorized producers, dealers, importers, exporters and whenever possible, carriers of firearms, their parts and components and ammunition.	0	0	0	0	P	P	0	0	N	B	0	B	B	P	0	B
	Operational	0	0	0	0	P	P	0	0	B	B	0	B	B	P	0	B
	Strategic	0	0	0	0	N	0	0	0	P	B	0	B	P	P	0	B

4.3 Results

According to the analysis, the best policy option regarding the **general objective** in relation to mechanisms for data sharing is the **no action** policy option. Article 87.1 of the TFEU (European Union 2012) aims at establishing police cooperation in the prevention and investigation of criminal offences; however, the present objective, which both encompasses a very broad subject matter and has been pursued for a long time, can already be considered to be sufficiently achieved. In addition, with respect to the available policy options, which were developed specifically for the issue of firearms trafficking, none of them are capable of furthering the achievement of the objective, particularly when factoring in the likelihood of consistently investing in resources. This results in all of the policy options engendering negative economic, social, environmental, and fundamental human rights impacts, with the exception of the no action policy that generates no impact.

Instead, both the two **specific policy objectives** related to mechanisms for data sharing, as defined by Article 13.3 of the Directive 2017/853/EU (European Parliament and European Council 2017) and by Article 12.1 of the UN Firearms Protocol (United Nations 2001), and the **operational objective** can be better achieved through the implementation of **non-legislative action**. This would enable the achievement of positive economic and social impacts, without any significant environmental and fundamental human rights impacts. Finally, considering the **strategic objective**, this can be better achieved by a **combination of legislative and non-legislative action**, which, in turn, would yield positive economic and social impacts, no significant environmental impacts, and equally balanced fundamental human rights impacts.

Concerning the specific and operational objectives, the non-legislative policy option envisages the development of some guidelines for LEAs officials that

would help deepen their knowledge and skills regarding mechanisms for data sharing, in conjunction with investing significant resources and energy into improving existent platforms and databases for sharing data. Therefore, this policy option is deemed to be the best to implement in order to achieve both the general and operational policy objectives, because it facilitates the generation of **positive economic impacts**. Indeed, while it implies some economic expenditure in order to both develop databases and provide high-level guidelines and training to LEAs officials who will be in charge of dealing with sharing data on firearms amongst EU MSs, ultimately these costs will be outweighed in the long-term by the improved efficiency of procedures that, in turn, will save resources and time. This policy option also results in **positive social impacts**; in fact, only benefits were identified due to the improved efficiency in the fight against firearms trafficking. These would lead to an increased feeling of safety, a higher quality of local institutions and LEAs, a reduction in homicides and other violent crimes related to illicit trafficked firearms, along with an increased number of convictions for firearms trafficking offences. No significant environmental and fundamental human rights impact were identified.

Focusing on the strategic objectives, the combination of legislative and non-legislative action was the best policy option. This option implies the provision of guidelines to LEAs officials, improving the databases used to share data, alongside the imposition, through a legislative act, of minimal requirements for data sharing. This option produces **balanced economic impacts** due to the fact that the economic impacts cited for the non-legislative action are still registered, but additional costs are also foreseen due to the need for some expenditure to implement effective infrastructures to improve the mechanisms for data sharing (i.e. software and databases), together with the enrolment of specific LEAs officials who are in charge of these tasks to follow the legislative requirements. This option also produces **balanced fundamental human rights impacts**, in light of the fact that the introduction of additional legislative requirements would create the need to share additional personal data of citizens, which would raise potential privacy issues. However, considering the aim of the strategic

objective (i.e. harmonising data sharing procedures), the predicted additional costs are considered to be acceptable and indispensable for achieving the specific objective, which simply cannot be achieved without some common legislative requirements for all EU MSs.

5. Monitoring the impacts of the selected policy option

The process carried out up until now has allowed for both the identification and evaluation of all the impacts that different policy options may have across a wide array of domains (i.e. economic, social, environmental, and fundamental human rights impacts), and definition of the best policy options, which are able to simultaneously maximise the benefits and keep costs to a minimum, in the process of accomplishing the established policy objectives.

Once it is determined which of the policy options are the best, and once these policies have been implemented, it is of paramount importance to **monitor the actual impacts** generated by these options. In fact, although a vast selection of possible impacts have already been identified and evaluated in the pre-implementation stage, it is also necessary to verify if the *ex-ante* impact assessment corresponds to reality. An **ex-post evaluation** allows for an understanding of whether the selected policy options are actually capable of achieving the desired policy objectives, while, simultaneously, producing the expected impacts (European Commission 2017).

To carry out the *ex-post* evaluation, the trends of a specific set of impact indicators can be of help. These indicators allow to effectively monitor the impacts of the implemented policy options. Table 22 below presents a list of impact indicators, differentiated according to economic, social, environmental and fundamental human rights, that were used in the *ex-post* evaluation considering the operational instrument related to mechanisms for data sharing. Some of the indicators in Table 22 were specifically developed within the scope of the present impact assessment, while others were taken from the **KPIs provided in Annex 4 of the 2020-2025 EU Action Plan on firearms trafficking** issued by the European Commission (European Commission 2020a).

Table 22. Indicators used to monitor the impacts in the ex-post evaluation related to mechanisms for data sharing

Economic impacts	
<i>Indicator</i>	<i>Source*</i>
Number of members of law enforcement involved in combating firearms trafficking	Eurostat crime and criminal justice; UNODC Criminal Justice System; LEAs Internal data
Expenditure for law enforcement personnel involved in combating firearms trafficking	Eurostat crime and criminal justice; UNODC Criminal Justice System; LEAs Internal data
Expenditure for data sharing software/database	LEAs Internal data
Expenditure for LEAs training	LEAs Internal data
Number of hours of training for LEAs personnel	LEAs Internal data
Expenditure for LEAs training materials	LEAs Internal data
Number of LEAs officials involved in data sharing activities	LEAs Internal data
Hours spent in data sharing activities	LEAs Internal data
Number of intelligence-led cases of operational cooperation with EUROPOL/EMPACT (KPI 9.4, European Commission 2020a)	LEAs Internal data
Number of intelligence-led cases of operational cooperation with INTERPOL (KPI 9.6, European Commission 2020a)	LEAs Internal data
Number of entries and searches in SIS (KPI 9.8, European Commission 2020a)	LEAs Internal data
Number of entries and searches in the iARMS	LEAs Internal data
Number of entries and searches in the SIENA	LEAs Internal data
Estimates of organised crime profits	UNODC Estimates of illicit financial flows; The Economic, Financial, Social Impacts of organised crime in the EU; existing statistics
Firearms manufacturers revenues	Eurona 2018/2; Orbis by Bureau van Dijk; Manufacturers' internal data
Social impacts	
<i>Indicator</i>	<i>Source*</i>
Number of legally acquired firearms	LEAs Internal data
Percentage of citizens satisfied (disaggregated by age and gender) or feel safe regarding armed violence (KPI 14, European Commission 2020a)	Eurobarometer
Percentage of citizens that feel threatened by the illegal possession and misuse of weapons (KPI 14.1, European Commission 2020a)	Eurobarometer
Level of concern amongst citizens about firearms trafficking and violence	Eurobarometer
LEAs perceptions of the quality of the instruments adopted in their daily activities related to data sharing	LEAs Internal data
Citizens' perceptions of the effectiveness of LEAs and local institutions in tackling illicit firearm trafficking	Eurobarometer

Number of funded projects about firearms trafficking	EU Commission funding and tenders' statistics
Amount of resources allocated to firearms trafficking research	EU Commission funding and tenders' statistics
Number of firearms, ammunition, explosives seized inland and at the external border (KPI 4, European Commission 2020a)	LEAs Internal data; UNODC IAFQ
Number of homicides committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of violent crimes committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of convictions related to firearms trafficking offences	Internal data about judicial statistics
Number of active organised crime groups	Organised crime national statistics
Number of criminal offences committed by organised crime groups	Organised crime national statistics
Environmental impacts	
Indicator	Source*
Quantity of electricity used	LEAs Internal data
Quantity of paper used	LEAs Internal data
Fundamental human rights impacts	
Indicator	Source*
Quantity and type of data to be provided to legally acquire firearms	LEAs Internal data
Duration of time that the data needs to be stored for	LEAs Internal data
Number of entities that the data can be shared with	LEAs Internal data
Number of persons murdered/injured/who committed suicide with firearms (KPIs 10.2, 10.3, 10.4, European Commission 2020a)	LEAs Internal data
Number of homicides committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of victims of organised crime groups	LEAs Internal data
Duration of the period in which victims suffer harm	LEAs Internal data

**Sources are indicative. They have been reported to both give an idea of publicly available data and to suggest the types of data that can be collected. New and updated sources could become available in the near future.*

6. Recommendations for the EU and guidelines for LEAs*

6.1 Recommendations for the EU

Article 13.3 of the Directive 2017/853/EU refers to sharing of data on firearms. It stresses that the exchange of information on firearms between MSs should be done on a regular basis. The results of the impact assessment suggest that **non-legislative action** is sufficient for realising the specific objective pointed out by the Directive as well as the operational one (i.e. share all types of data concerning firearms in a systematic way, e.g. seizures, ballistic, forensic, tracking and tracing). No immediate additional legislative actions are thus necessary to achieve these objectives.

Regarding the strategic objective of harmonising data sharing procedures (e.g. frequency, authorisation process, international databases), the results suggest that a **combination of legislative and non-legislative action** is necessary.

The main **recommendations for the EU** that derive from the results of the impact assessment are as follows:

- Introduce some **minimal mandatory requirements** for the sharing of data (e.g. frequency of sharing and databases to be used) (legislative action). These requirements could be specified by either introducing an *ad hoc* article or modifying an existing one.
- Develop some **guidelines for LEAs** officials to deepen their knowledge and skills concerning mechanisms for data sharing (non-legislative action). These guidelines should also clarify what the existing mechanisms are for sharing data (e.g. formal exchange, mutual legal assistance) and draw a clear distinction between operational and strategic data. They should also define precisely what constitutes sensitive data and explain that there are secure ways for sharing data (e.g. by using the appropriate channels and platforms).

- Introduce and promote additional **training sessions** for LEAs officials with the express aim of spreading best practices regarding how to share precise firearms data (e.g. promoting comparable data standards at the national level) and educating them about the benefits of sharing data (i.e. enhancing LEAs operational officials “international mind-set” to make them aware of the importance of sharing data for efficient cooperation with other LEAs). The training could also focus on **how best to exploit the features offered by existing systems/platforms for sharing data** (non-legislative action). Finally, as aforementioned, this training should also be combined with addressing other relevant topics.
- Invest resources and energy into improving existing platforms and databases for sharing data. For example, SIS and iARMS provide useful tools through which to share data. We recommend **stepping up actions to promote the use of these systems** and to **interconnect them**, as per the announcement in the 2020-2025 EU Action Plan on firearms trafficking (non-legislative action).

6.2 Guidelines for LEAs

Project ECOFIT demonstrates that almost all of the countries that participated in the survey share data in the context of firearms trafficking with other enforcement agencies and intelligence services within their state, with the exception of some of the smaller countries. The majority of the responding countries also share information with other MSs. Relevant data are predominantly shared upon request, while the pro-active exchange of information, such as, for example, through common databases and platforms, is less common. To a large extent, the difficulties regarding data sharing link back to the previous point: when data collection and data availability are both lacking, this also impacts upon the sharing of information as well as the swiftness of the exchange.

* The content of this paragraph has been redacted with the contribution of Prof. Toine Spapens (Tilburg University)

The main **guidelines for LEAs** to improve data sharing on firearms are as follows:

- **Feed European and international platforms** with firearms data in a systematic way.
- **Consult European and international platforms** on firearms data in a systematic way.
- **National LEAs should share information and data** on firearms without delay with NFPs.
- **Share both operational and strategic data and information after an operation.**
- **Attend all of the training sessions** that are available on data sharing.
- **Consult all the guidelines manuals** available on sharing data on firearms in a proper way.

C. National Firearms Focal Points

1. Gap analysis

Current legislation and soft law

European dispositions

The introduction of a single point of contact or NFP on firearms can be found in international dispositions, namely in the UN Firearms Protocol issued in 2001 (see “International dispositions” below).

The first European document that incorporated the *liaison* role of the UN in the single point of contact on firearms was the 2015 **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/2015/0624)**. The Action Plan invites all MSs to “set up inter-connected national focal points on firearms”, in order to “develop expertise and improve analysis and strategic reporting on illicit trafficking in firearms notably through the combined use of both ballistic and criminal intelligence” (European Commission 2015b, 3). The European Commission uses the term “national focal points on firearms” and clarifies that these institutions should constitute an inter-connected network with the specific task of both gathering ballistic and intelligence data on illicit trafficking and conducting analyses on such data (European Commission 2015b, 3).

Furthermore, the EU Strategy “Securing arms, protecting citizens”, annexed to the 2018 Council Conclusions on the Adoption of an **EU Strategy Against Illicit Firearms, Small Arms & Light Weapons & Their Ammunition** reiterated the EU’s commitment to improve cross-border operational cooperation between different LEAs, affirming that the establishment of NFPs for firearms in each MS is a significant part of this commitment (European Council 2018, 21).

Another significant document that addresses the topic of national points of contact is the **Best Practice Guidance for the Creation of National Firearms Focal Points**, elaborated by the European Firearms Experts Group as part of the EMPACT Firearms project, which forms part of the wider EU Policy Cycle – EMPACT (2018-2021) (EUROPOL 2020). The document, which is not legally binding, sets out more specific indications concerning NFPs, especially regarding their purpose, tasks and functions:

Purpose:

- Gather, analyse and improve illicit firearms information at both a strategic and operational level through the coordinated collection and sharing of information, both to sharpen the intelligence picture and to better inform stakeholders;
- Maximise the sharing of intelligence and investigative opportunities via reporting and assessments, in order to target firearms trafficking at the national, European and international levels.

Tasks:

- Legal control;
- Ballistic and data analysis;
- Investigation: tracing requests, providing assistance to authorities during operations, promoting opportunities for LEAs investigations;
- Prevention: trends and threats analysis, provision of data, statistics, assessments and reports to stakeholders.

Functions:

- Exchange of information;
- Undertaking internal and incoming research requests;
- Assistance and coordination of operational actions;
- Regular dissemination of data to stakeholders. (European Firearms Experts Group 2020).

International dispositions

As one might expect, the first document to provide a broad definition of NFPs was an international one, specifically the **UN Firearms Protocol** (United Nations 2001). Article 13 recommends that “[...] Each State Party shall identify a national body or single point of contact to act as *liaison* between it and other States Parties on matters relating to this Protocol” (United Nations 2001). The Protocol promoted the creation of a network of national entities specialising in firearms matters by identifying State Parties’ bodies as single, and thus easily identifiable, points of contact (United Nations 2001, 78). State Parties could take advantage of the privileged communication channel provided by such a network for international cooperation purposes.

Subsequently, the UNODC **Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition** provided States with additional indications and guidelines to implement the provisions contained in the UN Firearms Protocol of 2001 (UNODC 2011). Article 44 “Establishment of a national point of contact” of the Model Law finds its legal basis in Article 13 of the UN Firearms Protocol. The Model Law states that:

A State could also choose to identify a number of bodies as national points of contact. It should be made clear who the national point(s) of contact is (are) so other States know who to contact and how to contact them. This information would not be included in national legislation though it should be provided in a format and manner that is easily accessible by other States parties (UNODC 2011, 67).

The document clarifies that, while a State can have more than one point of contact, it is of the utmost importance for international cooperation to clarify to other State Parties both who is currently playing the role of point of contact and how to contact them (UNODC 2011, 67). The Model Law explains that single points of contact do not have a specific set of tasks to carry out, except for being the liaison between different State Parties. State Parties can therefore determine its scope and activities with almost complete freedom (UNODC 2011, 68).

Beyond the broad mandatory obligation set out in Article 13, paragraph 2, that the national point of contact liaise with other countries on matters relating to combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, the Protocol does not set out any specific responsibilities of the national point of contact. It is at the discretion of the State to determine the specific scope of its functions and activities (UNODC 2011, 68).

Status of implementation

Implementation of normative dispositions

In relation to the status of ratification of the UN Firearms Protocol, it should be noted that all countries involved in Project ECOFIT have signed, approved, accepted, accessed or ratified it.

Up until the present day, the implementation of NFPs or single points of contact has not been fully finalised by some State Parties, not to mention that reliable information about this is still lacking (Table 23). Indeed, different official sources report discordant findings over which countries have appointed a NFP and which have yet to do so. According to the **United Nations Economic Commission for Europe (UNECE)**, Italy, Luxemburg, Malta, the UK and North Macedonia are the State Parties which still register NFPs pending nomination. Conversely, according to the **2020-2025 EU Action Plan on firearms trafficking**, 7 out of 27 EU

MSs and two out of six Western-Balkan countries have yet to appoint their NFP (i.e. Bulgaria, Cyprus, Estonia, Ireland, Latvia, Lithuania, Malta, Serbia and Bosnia and Herzegovina) (European Commission 2020b). In addition to this, in the **Evaluation of 2015-2019 Action Plan on firearms trafficking between the EU**

and the south-east Europe region, it is stated that not only do some State Parties still have to appoint their NFP, but that only a “few [national] focal points [on firearms] are sufficiently operational to provide the required data” (European Commission 2019, 9).

Table 23. Status of implementation of dispositions in relation to the establishment of NFPs

Country	European dispositions	South-East Europe dispositions	International dispositions
	Establishment of National Firearms Focal Point (Source: UNECE)		UN Firearms Protocol
AT	Yes		09/10/2013 Ratification
BE	Yes		24/09/2004 Ratification
BG	Yes		06/08/2002 Ratification
HR	Yes		07/02/2005 Accession
CY	Yes		06/08/2003 Ratification
CZ	Yes		24/09/2013 Accession
DK	Yes		04/02/2015 Approval
EE	Yes		12/05/2004 Ratification
FI	Yes		17/05/2011 Acceptance
FR	Yes		28/02/2019 Accession
DE	Yes		03/09/2003 Signature
EL	Yes		11/01/2011 Ratification
HU	Yes		13/07/2011 Accession
IE	Yes		
IT	Pending nomination		02/08/2006 Ratification
LV	Yes		28/07/2004 Accession
LT	Yes		24/02/2005 Ratification

LU	Pending formal nomination	11/12/2002 Signature
MT	Pending formal nomination	
NL	Yes	08/02/2005 Accession
PO	Yes	04/04/2005 Ratification
PT	Yes	03/01/2011 Ratification
RO	Yes	16/04/2004 Accession
SK	Yes	21/09/2004 Ratification
SI	Yes	21/05/2004 Ratification
ES	Yes	09/02/2007 Accession
SE	Yes	28/06/2011 Ratification
UK	Pending formal nomination	06/05/2002 Signature
NO	Yes	23/09/2003 Ratification
CH	Yes	29/11/2012 Accession
AL	Yes	08/02/2008 Accession
BA	Yes	01/04/2008 Accession
MD	Yes	28/02/2006 Accession
ME	Yes	23/10/2006 Succession
MK	Pending nomination	14/09/2007 Accession
RS	Yes	20/12/2005 Accession
TR	Yes	04/05/2004 Ratification

Source: Establishment of National Firearms Focal Point: UNECE n.d.; UN Firearms Protocol ratification status: 'United Nations Treaty Collection' 2020b. Information retrieved in October 2020.

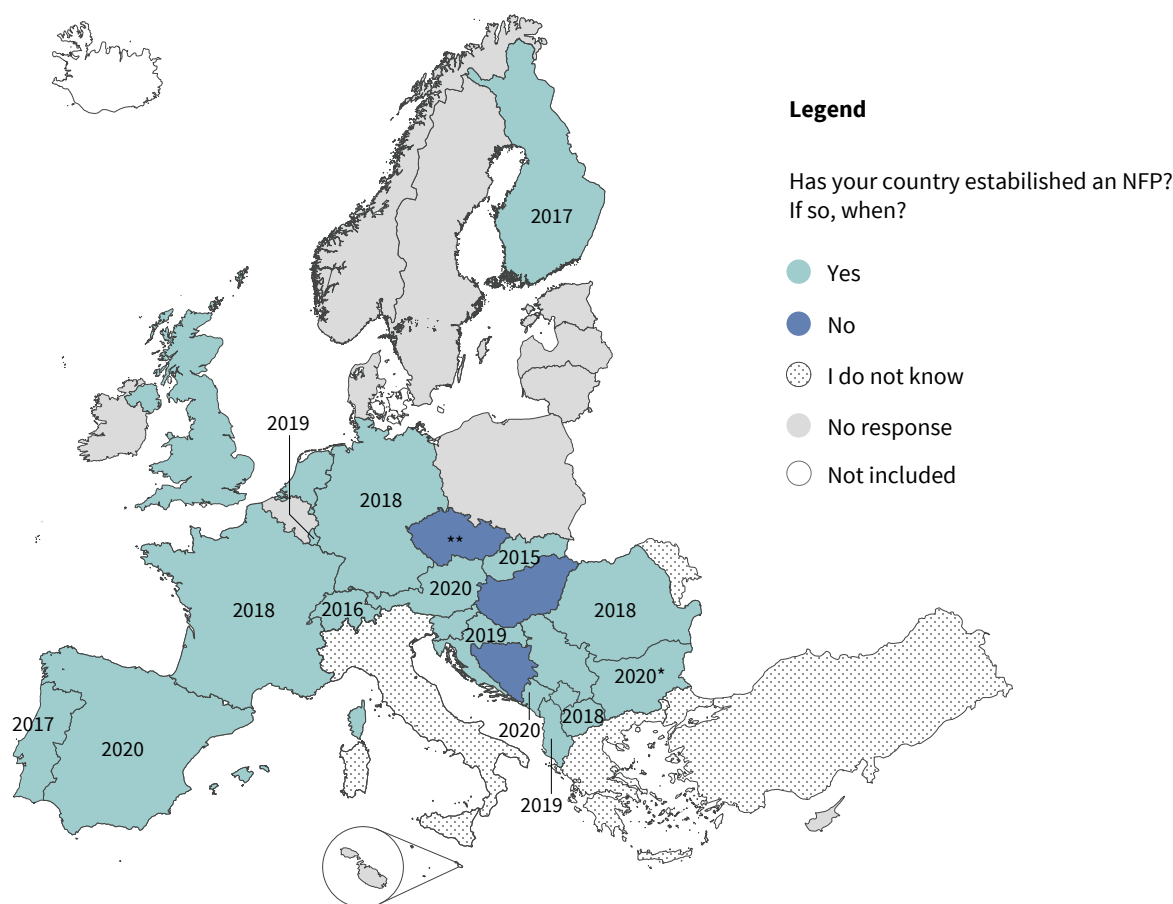
Operational implementation

To further investigate the status of implementation of the establishment of NFPs as well as their assigned tasks and competences, detailed information was retrieved through the survey delivered to key national stakeholders from EU MSs, the UK, Switzerland, Norway and non-EU SELEC countries.¹² With respect to the establishment of NFPs, as shown in Figure 15, currently, out of the 26 respondents, only three States—the Czech Republic, Hungary and Bosnia and Herzegovina—have yet to establish an NFP, while three other States—Italy, Moldova and Turkey—affirmed that they do not know if an NFP has been established. State Parties that have established NFPs did so after the invi-

tation of the European Commission, which also holds true for Switzerland, which is not part of the EU27. In ten countries, NFPs were established following an internal policy decision, while six countries relied on a legal provision (e.g. national law), and two countries declared not knowing the legal basis of the establishment.

NFPs are predominantly located within LEA, while in three cases—Slovenia, Bulgaria and North Macedonia—they were set up within a Ministry. Slovenia and North Macedonia established their NFPs within their respective Ministries of Interior, while Bulgaria did so in its Directorate for International Cooperation.

Figure 15. NFPs in Europe along with the year in which they were established



Notes: *Bulgaria is currently in the process of setting up an NFP.

**The Czech Republic pointed out in the survey that a NFP has not yet been officially established within the Czech Police. Currently, the activities of a NFP have been fulfilled by the Trafficking In Weapons and CBRN Material Division in cooperation with the National Counter Terrorism Point and Forensic institute of the Czech Police or other departments according to the actual need.

12. It must be noted that the information provided in the survey might differ from the actual status of implementation of the

provisions, as a result of either clerical errors or misinformation from the respondents.

The number of people assigned to a NFP in a country varies across Europe, and, moreover, it is not always proportional to the country's population. Figure 16 shows that France and Spain appoint 4 and 5 people respectively, while smaller countries like Portugal (9), Croatia (8), Slovakia (8), Albania (7) assign nearly twice the amount of people to this specific office. Ultimately, Spain is expected to become the largest NFP in Europe with 21 officers working for it by 2021.

However, it is important to put this information into perspective, as not all NFP are tasked with performing the same activities. Portugal, the UK, Slovakia, Montenegro, and Spain, for instance, carry out most of the 13 activities mentioned in Figure 17, while Croatia and Slovenia carry out three of these activities at most. Almost all NFPs (16 in 19) carry out a host of other tasks besides those requested by the office. Indeed, many also serve as UNODC's Focal Point, while some coordinate and communicate with other departments responsible for different crime types.

Figure 16. Number of people currently assigned to NFPs



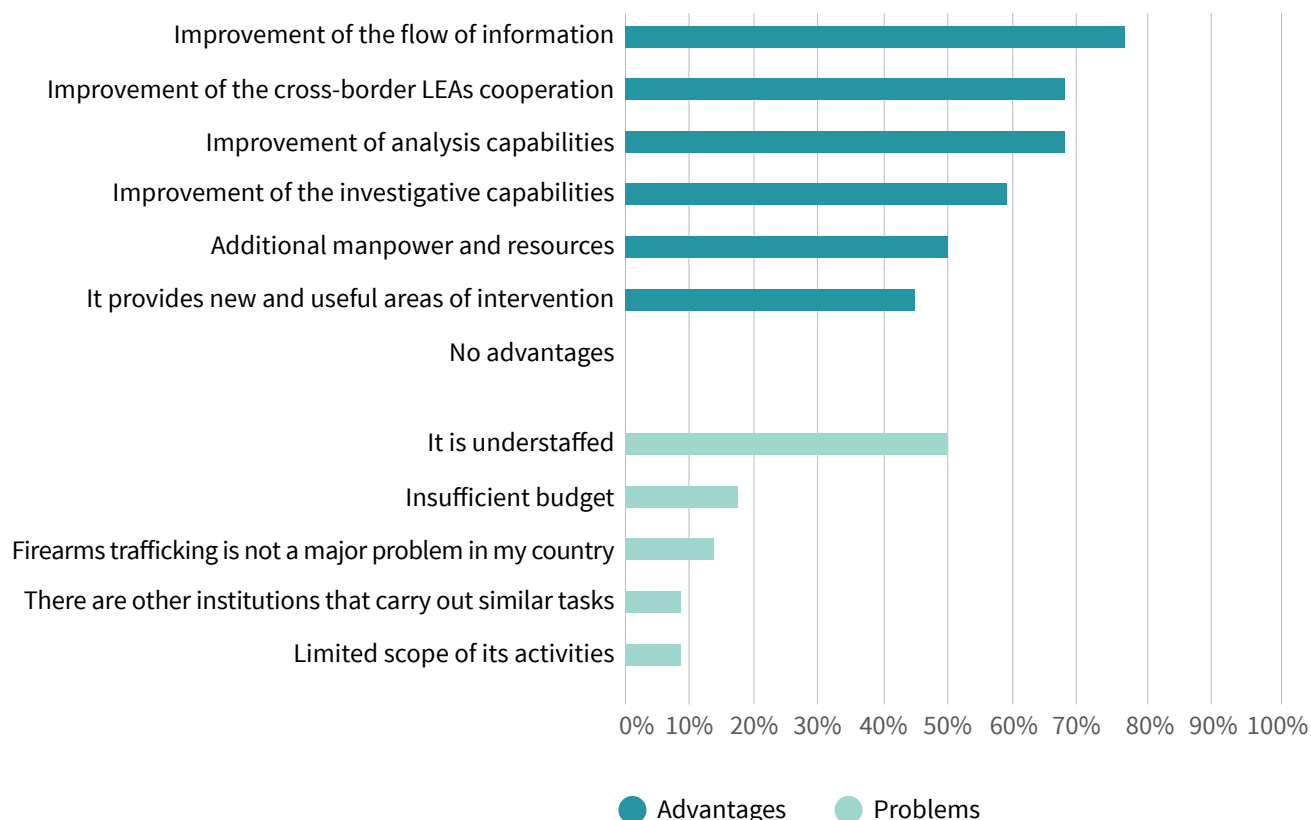
Figure 17. Activities performed by NFPs



The majority of NFPs have manifold ways of collecting data on illicit firearms. 14 out of 18 NFPs have access to international databases, such as SIS, SIENA, EIS, iARMS and IBIN. Fourteen have direct access to police and other national enforcement databases, 12 receive information from national LEAs periodically, while 12 collect data directly during investigations.

As depicted in Figure 18, no respondent believed that NFPs did not yield any advantages. On the contrary, many reported that they provide several advantages, despite particular limitations like insufficient resources or personnel.

Figure 18. Advantages and problems associated with NFPs



Gap analysis

Normative gaps

As stated in the **Evaluation of 2015-2019 Action Plan on firearms trafficking between the EU and the south-east Europe region**, some State Parties have still to appoint their NFP. Also amongst those State Parties that have already done so, some criticisms can be discerned (European Commission 2019, 9).

Moreover, the **2020-2025 EU Action Plan on firearms trafficking**, issued on the 24th of July 2020, states that many problems persist *vis-à-vis* the constitution and functioning of NFPs; more specifically, it highlights that:

Exchange of information for intelligence and profiling purposes is limited by constraints placed by national law to share information (also non-personal data such as ballistics data) outside of a specific investigation. The problem is intensified by a lack of communication and coordination between different administrations, within countries and at transnational level. 20 EU Member States and 4 Western Balkan partners have in place

a form of Firearms Focal Point. However, they are often not provided with the appropriate competences (for administrative control, law enforcement data collection, access to databases, tracing, international cooperation, and forensics) and staffing recommended by the best practice guidance developed by national firearms experts (European Commission 2020b, 5).

In this regard, the **2020-2025 EU Action Plan on firearms trafficking** calls for EU MSs and south-east European partners “to complete the establishment of fully staffed and trained Firearms Focal Points in each jurisdiction, as recommended by the Best practice guidance of national experts”. In addition, the document also affirms that to promote and speed up cooperation amongst State Parties, “the Commission will publish a scoreboard of those focal points, clearly setting out their contact details and competences” (European Commission 2020b, 11).

According to UNECE, of those countries that participated in Project ECOFIT, only five State Parties appear not to have appointed a NFP or a single point of contact to enhance cross-border cooperation in firearms investigations. Countries in which pending nominations are registered are: **Italy, Luxembourg and Malta** in the EU; the **UK**; and, in terms of non-EU SELEC countries, **North Macedonia** (UNECE n.d.). It is important to note that, amongst these countries, only Malta has neither signed, approved, accepted, accessed nor ratified the UN Firearms Protocol, which is a document that also calls for the establishment of points of contact to act as liaisons between State Parties. Conversely, amongst EU MSs, Ireland, despite neither having, signed, approved, accepted, accessed, nor ratified the Protocol, is the only country that appears to have established a NFP (Table 23).

The main criticism is that **clarity and reliable information are still lacking in relation to both the establishment of NFP and its tasks**. This is evidenced by the fact that, according to the 2020-2025 EU Action Plan on firearms trafficking, both Hungary and Italy have established NFPs, but yet the Italian survey respondents were unaware about the existence of such an institution, while the Hungarian respondents claimed that an NFP does not exist in their country (European Commission 2020b). On the contrary, Serbia has not yet established a NFP according to the 2020-2025 EU Action Plan on firearms trafficking, but according to both the UNECE (UNECE n.d.) and Project ECOFIT survey it appears they have. Finally, both UNECE and the Action Plan state that the Czech Republic has set up an NFP, however, the Czech survey respondents claimed that an official NFP has not yet been established, and, moreover, that the activities were being fulfilled by the Trafficking in Weapons and CBRN Material Division in cooperation with the National Counter Terrorism Point and Forensic Institute of the Czech Police, or with other departments according to the actual need.

Such misinformation concerning the presence and operativity of NFPs amongst State Parties undermines the effectiveness of their role. Moreover, it also leads to discrepancies in the ways in which different countries set up the operational aspects of NFPs and their associated tasks.

Operational gaps

The current regulatory framework does not foresee the establishment of NFPs as compulsory; however, the European Commission, in its Communication, invites all MSs to set up such institutions as a necessary step in developing an effective law enforcement response to illicit trafficking and firearms-related threats (European Commission 2015b). As a result, each State, both within and outside the EU, has taken it upon itself to set up its own NFP, which, in turn, has resulted in a significant degree of heterogeneity. This lack of uniformity led the European Commission, in Priority 3: Increasing pressure on criminal markets of the 2020-2025 EU Action Plan on firearms trafficking, to urge MSs “to complete the establishment of fully staffed and trained Firearms Focal Points in each jurisdiction” (European Commission 2020b, 11).

According to the survey,¹³ **Bosnia and Herzegovina, Hungary and the Czech Republic have not yet established an NFP**, although in **the Czech Republic** the activities of the NFP have been fulfilled by the Trafficking in Weapons and CBRN Material Division in cooperation with the National Counter Terrorism Point and Forensic Institute of the Czech Police or with other departments according to the actual need.

Several countries have set up fairly **comprehensive NFPs**, whose tasks encompass a wide range of aspects related to illicit firearms, with **Montenegro, Portugal, Switzerland, and the UK** being the most extensive in this regard. On the contrary, several countries like **Albania, Croatia, North Macedonia, and Slovenia** established NFPs that perform merely **a handful of tasks**. There are only two countries—Portugal and Spain—who attributed to NFPs tasks related to licit firearms, while the remainder of European States channelled resources and personnel towards investigations and intelligence pertaining to illicit firearms (Table 24). Such asymmetry between States may hinder the creation of an efficient, effective, and homogeneous network of institutions created for the purpose of fostering international cooperation and coordination.

13. It must be noted that the information provided in the survey may be imprecise or incorrect, as a result of either clerical errors or misinformation from the respondents, thus potentially causing internal inconsistencies.

Table 24. NFP tasks by country

Country	National statistics	Register data	Intelligence analysis	Forensic testing	Tracking and tracing procedures	Reporting to other NFPs	Coordination of all investigations	Coordination of cross-border investigations	Assisting LEAs	Advising LEAs	Training to LEAs	Representing your country internat.	Legitimate firearms tasks
AL													
AT													
BG													
HR													
FI													
FR													
DE													
EL													
IT													
LU													
ME													
MK													
NL													
PT													
RO													
RS													
SK													
SI													
ES													
CH													
UK													

Note: Light blue cells=tasks performed by NFP, dark blue cells=tasks not performed by NFP, grey cells=information is not available.

There are stark operational gaps related to the **amount of personnel assigned to NFPs**. The UK is currently the largest NFP in Europe with 15 staff, Germany is a close second with 12, trailed by Portugal (9) Croatia (8), Slovakia (8) and Albania (7). All other NFPs employ 5 or less people. Spain, at the moment, has assigned 5 staff to its NFP, however, by 2021, it will be the largest in Europe with 21 personnel. It must be noted that these figures are not always proportional to the country's population or to the number of activities that NFPs are tasked with, which, in turn, potentially results in notable differences in efficiency across the continent.

The vast **majority** (16) of responding countries **established their NFP within a LEA department, while only three** (Bulgaria, North Macedonia, and Slovenia) set it up **within a Ministry**. A similar pattern can be found when one examines the procedures that each country's LEAs follow for sharing data with their respective NFP. Only in Albania, Bulgaria, France and the UK are LEAs not obliged to share data with their NFP. Moreover, the **majority of NFPs have access to international databases and networks**, such as SIS, SIENA and iARMS.

2. Policy objectives and intervention logic

The following scheme (Table 25) summarises the process that led up to the definition of both the policy objectives and intervention logic of the third operational instrument included in the analysis, i.e. NFPs. The identification of the main gaps in relation to this

operational instrument allowed for the determination of how the current situation can be improved, by defining the general, specific, operational and strategic objectives. The achievement of these objectives leads to specific outcomes and results.

Table 25. Intervention logic of NFPs

Main gaps	General objective	Specific objectives	Operational and strategic objectives	Outcomes	Results
Some countries have not yet established an NFP	The Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences (Art. 87.1 Treaty on the Functioning of the European Union)	Complete the establishment of fully staffed and trained Firearms Focal Points in each jurisdiction (Priority 3, 2020-2025 EU Action Plan on firearm trafficking)	OPERATIONAL: Set up a NFP in all European countries in order to develop an interconnected network all across Europe	<ul style="list-style-type: none">- EU MSs and other countries beyond the EU to establish fully operational NFPs- EU MSs and other countries beyond the EU to harmonise the tasks of the NFPs- Publication of the contacts and the tasks/competencies of each NFP	<ul style="list-style-type: none">- Better exchange of information between LEAs- Improved data collection and data sharing- Improved coordination between LEAs
Different tasks performed by NFPs across countries					
Lack of adequate skills and expertise					
Political constraints		Identify a national body or single point of contact to act as liaison between it and other States Parties (Art. 13.2 UN Firearms Protocol)	STRATEGIC: Harmonise capabilities and how activities should be managed across NFPs in Europe		
Insufficient budget and resources					

3. Policy options

With respect to the operational instrument of NFPs, four policy options are identified:

- **No action (status quo):** Article 87.1 of the TFEU, Priority 3 of the 2020-2025 EU Action Plan on firearms trafficking and Article 13.2 of the UN Firearms Protocol continue to be the reference point for NFPs. Neither new legislative nor non-legislative actions need to be implemented to improve and make the NFPs more efficient. Under this option, it is suggested that the dispositions, and the manner in which they are currently implemented, should remain the same. This means that the status of implementation of legislative and soft-laws measures should remain unaltered with respect to the situation portrayed in the Gap analysis section.
- **Non-legislative action:** the development and introduction of new education and information activities for LEAs personnel involved in NFP units, together with the provision of more funding to implement improvements to this operational instrument, is required. More specifically, additional **training sessions**, besides those already provided by CEPOL,¹⁴ should be organised and delivered to LEAs officials with the express aim of spreading best practices concerning how to set up fully staffed and operational NFPs (e.g. provide NFP units officials with advanced analysis and language skills to better perform their tasks and cooperate with other LEAs). This option could also include the development of new **guidelines** to aid LEAs officials in how to carry out the day-to-day activities in the NFPs units. These new guidelines would not supplant the current one (e.g. the Best Practice Guidance for the Creation of NFPs, elaborated by the European Firearms Experts Group as part of the EMPACT Firearms project (European Firearms Experts Group 2020)). On the contrary, they would build on existing materials and further improve their contents. Finally, this option could also include the provision of **funding** to further the settlement and implementation of NFP units.
- **Legislative action:** this would involve either the introduction or modification of an article in the in force Directive 2017/853/EU imposing upon all states the creation of a NFP, together with the imposition of a minimum set of tasks to be carried out by the NFP. These binding impositions would add to those delineated previously in the UN Firearms Protocol.
- **Combination of legislative and non-legislative action:** this would involve the introduction of some elements foreseen in the non-legislative action combined with some elements of the legislative action. For example, it could consist of introducing a new mandatory article in the Directive 2017/853/EU requesting the creation of a NFP within each EU MS, allied with the provision of newly developed guidelines to better implement the requirements imposed by the introduced article of the Directive.

4. Analysis of the impacts

4.1 Identification of the impacts

The present impact assessment aims at identifying which amongst the envisaged policy options results in the most optimal solution to achieving the appointed policy objectives in relation to NFPs.

As highlighted in the Methodology section, the first step in analysing the impacts is to accurately determine **all the foreseeable impacts** that each policy option might have on the current situation in relation to the baseline scenario regarding NFPs.

14. For example, the firearms online module available at: <https://www.cepol.europa.eu/media/news/updated-firearms-online-module-available-self-paced-learning>

The tables below report the potential impacts that the identified policy options might cause, in addition to an array of indicators together with the data sources that would be used to monitor these impacts. Most data on illicit firearms are not publicly available, but rather are data that has been internally collected by LEAs. In some cases, some sources about more general data (i.e. not specifically dealing with illicit firearms) are reported to both give an idea of publicly available data and to suggest the types of data that can be collected. The impacts are distinguished between costs and benefits. Each of these can be identified as a **direct cost/**

benefit if the impact is a direct consequence of the implementation of a policy option; on the contrary, it can be identified as an **indirect cost/benefit** if the impact is a second-order consequence, which means that it is not caused directly by the implementation of the policy option itself, but rather by one of its direct impacts (European Commission 2017). More specifically, Table 26 presents the possible economic impacts, Table 27 depicts the possible social impacts, Table 28 displays the possible environmental impacts, while Table 29 shows the possible impacts on fundamental human rights.

Table 26. NFPs: Economic impacts

Cost/ Benefit	Direct/ Indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increase in law enforcement expenditure	<ul style="list-style-type: none"> • Existence of an operational NFP • Number of staff assigned to the NFP • Activities tasked to the NFP • NFP established and operational in each jurisdiction, meeting the standards of the EU Best practice guidance (KPI 7.1, European Commission 2020a) 	LEAs internal data ECOFIT Survey: Questions 3.1, 3.6, 3.7
		Increase in expenditure for NFP LEAs training	<ul style="list-style-type: none"> • Expenditure in NFP LEAs training • Number of hours training LEAs personnel receive for NFP 	LEAs internal data
	Indirect	Increase in expenditure for data collection and data sharing software/databases	<ul style="list-style-type: none"> • Expenditure for data sharing software/database 	LEAs internal data
		Expenditure for training manuals and materials	<ul style="list-style-type: none"> • Expenditure for LEAs training materials 	LEAs internal data
Benefits	Direct	Increased efficiency in the fight against firearms trafficking	<ul style="list-style-type: none"> • Number of investigations related to illicit firearm trafficking • Number of illicit firearms seized • Number of prosecutions and convictions related to firearms trafficking 	UNDOC IAFQ UNDOC Arms seized by type LEAs internal data
	Indirect	Decrease in the profitability of organised crime (especially additional sources of funding)	<ul style="list-style-type: none"> • Estimates of organised crime profits 	Existing organised crime groups Statistics
		Increased revenues for firearms manufacturers	<ul style="list-style-type: none"> • Firearms manufacturers revenues 	Eurona 2018/2 Orbis by Bureau van Dijk Manufacturers' internal data

Table 27. NFPs: Social impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific impact	Data source
Cost	Direct	N/A	N/A	N/A
	Indirect	Heightened citizen insecurity due to the increased salience of issues related to firearms trafficking	<ul style="list-style-type: none"> • Level of concern amongst citizens about firearms trafficking and violence 	Eurobarometer
Benefits	Direct	Enhanced cooperation amongst LEAs in relation to firearms trafficking	<ul style="list-style-type: none"> • Perceptions of LEAs personnel regarding whether cooperation has improved with other LEAs in relation to firearms trafficking • Number of parallel investigations performed • Number of JITs performed 	LEAs internal data
	Indirect	Increase in feeling of safety due to improved efficiency in the fight against firearms trafficking	<ul style="list-style-type: none"> • Level of concern amongst citizens about firearms trafficking and violence 	Flash Eurobarometer 383
		Reduction in homicides and other violent crimes related to illicit trafficked firearms	<ul style="list-style-type: none"> • Number of homicides committed with illicit trafficked firearms • Number of violent crimes committed with illicit trafficked firearms 	LEAs internal data GunPolicy.org facts and figures UNODC Global Study on Homicide (2019) UNODC Homicide Statistics 2013 The Economic, Financial, Social Impacts of OC in the EU FIRE Project Armed Violence Monitoring Platform LexisNexis WorldCompliance data (Box 4)
		Increase in convictions for firearms trafficking offences	<ul style="list-style-type: none"> • Number of convictions related to firearms trafficking offences 	Existing statistics on judicial data LexisNexis WorldCompliance data (Box 5)
		Increase in the quality of local institutions and LEAs due to fully trained personnel devoted to tackling firearms trafficking	<ul style="list-style-type: none"> • LEAs perceptions of the quality of the instruments adopted in their daily activities related to firearms trafficking • Citizens' perceptions of the effectiveness of LEAs and local institutions in tackling firearms trafficking 	Flash Eurobarometer 383 LEAs internal data ECOFIT Survey: Question 3.13
		Possible disruption of other illicit activities of organised crime groups supported by firearms trafficking (e.g. human and drug trafficking)	<ul style="list-style-type: none"> • Number of active organised crime groups • Number of criminal offences committed by organised crime groups 	Existing organised crime group statistics

Table 28. NFPs: Environmental impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific im- pact	Data source
Costs	Direct	N/A	N/A	N/A
	Indirect	N/A	N/A	N/A
Benefits	Direct	N/A	N/A	N/A
	Indirect	N/A	N/A	N/A

Table 29. NFPs: Fundamental human rights impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific im- pact	Data source
Costs	Direct	N/A	N/A	N/A
	Indirect	N/A	N/A	N/A
Benefits	Direct	N/A	N/A	N/A
	Indirect	Right to life	<ul style="list-style-type: none"> • Number of homicides committed with illicit trafficked firearms 	LEAs internal data GunPolicy.org facts and figures UNODC Global Study on Homicide (2019) UNODC Homicide Statistics 2013 The Economic, Financial, Social Impacts of OC in the EU FIRE Project Armed Violence Monitoring Platform
		Improvements in the conditions of victims of other criminal activities supported by firearms trafficking (e.g. human and drug trafficking)	<ul style="list-style-type: none"> • Number of victims of organised crime groups • Duration of the period in which victims suffer harm 	LEAs internal data

With regard to the operational instrument related to NFPs, one can note that not all of the areas examined are comparable in terms of the potential impacts generated. Considering both the very specific topic of interest of this impact assessment and the changes foreseen by the implementation of the policy options taken into consideration, **economic and social im-**

pacts proved to be the most relevant, whereas no environmental impacts and only marginal fundamental human rights impacts were identified.

In relation to **economic impacts**, the major costs associated with the implementation of the policy options pertain to:

- Expenses associated with hiring additional law enforcement personnel who are specifically allocated to the NFP units;
- Related expenditures for training law enforcement personnel in the new tasks to be performed.

These costs would be balanced out by the improved efficiency of LEAs procedures in relation to tackling firearms trafficking, which, in turn, would potentially reduce the profitability of organised crime and other transnational crimes.

In relation to **social impacts**, some indirect benefits can be identified. Better organised and well-equipped NFPs would:

- Enhance EU MS cooperation amongst LEAs;
- Improve citizens' perceived sense of security;
- Increase the quality of local institutions and LEAs;
- Enhance the ability to more efficiently tackle the phenomenon of firearms trafficking.

These benefits would potentially be balanced out by citizens experiencing an increased sense of insecurity, based on the fact that setting up a new unit to specifically deal with firearms trafficking could lead citizens to believe that this crime is becoming ever-more widespread and serious.

In relation to **environmental impacts**, no significant costs nor benefits were identified.

With regard to **fundamental human rights impacts**, it must be noted that no costs were identified. One notable benefit would be an increase in the right to life for all citizens who would have the opportunity to live in a safer environment, where less firearms circulate illegally.

4.2 Evaluation of the impacts

After having accurately determined the potentially relevant impacts, the second step is to actually **evaluate the relevance of these impacts** in relation to both the defined policy objectives and the related policy options.

Table 30 shows the results of this evaluation. The impacts are measured as **positive, balanced, negative, or non-existent** (the following code is used in [Table 30](#): Positive = P; Balanced = B; Negative = N; Non-Existent = 0).

The results of the analysis allow for both the **comparison of different policy options** and the selection of the **preferred one** in relation to each policy objective (general, specific, operational, and strategic).

Table 30. Impact of different policy options on policy objectives in relation to NFPs

Policy Objectives		Policy options															
		No action (status quo)				Non-legislative action				Legislative action				Combination of legislative and non-legislative action			
		Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights
<i>General</i>	Art. 87.1 TFEU The Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences.	0	0	0	0	N	N	N	N	N	N	N	N	N	N	N	N
<i>Specific</i>	Priority 3, 2020-2025 EU Action Plan on firearms trafficking [...] Complete the establishment of fully staffed and trained Firearms Focal Points in each jurisdiction [...]	0	0	0	0	N	P	0	P	P	P	0	0	B	P	0	P
	Art. 13.2 UN Firearms Protocol [...] Each State Party shall identify a national body or a single point of contact to act as liaison between it and other States Parties on matters relating to this Protocol.	0	0	0	0	N	P	0	P	P	P	0	0	B	P	0	P
<i>Operational</i>	Set up a NFP in all European countries in order to develop an interconnected network all across Europe.	0	0	0	0	N	P	0	P	P	P	0	0	B	P	0	P
<i>Strategic</i>	Harmonise capabilities and how activities should be managed across NFPs in Europe.	0	0	0	0	B	P	0	P	B	P	0	0	N	P	0	P

4.3 Results

According to the analysis, the best policy option concerning the **general objective** in relation to NFPs is the **no action** policy option. Article 87.1 of the TFEU (European Union 2012) aims to establish police cooperation in the prevention and investigation of criminal offences; however, the present objective, which both encompasses a very wide subject matter and has been pursued for a long time, can already be considered to be sufficiently achieved. In addition, with respect to the available policy options, which were developed specifically for the issue of firearms trafficking, none of them are capable of enhancing the actual status of achieving the objective, particularly when considering the likelihood of consistently investing in resources. This results in all the policy options engendering negative economic, social, environmental, and fundamental human rights impacts, with the exception of the no action option that generates no impact.

Instead, both the two **specific policy objectives** in relation to NFPs, as defined by Priority 3 of the 2020-2025 EU Action Plan on firearms trafficking (European Commission 2020b) and Article 13.2 of the UN Firearms Protocol (United Nations 2001), and the **operational objective** would be better achieved through the implementation of **legislative action**. This would allow for the achievement of positive economic and social impacts, with no significant environmental and fundamental human rights impacts. Finally, with regard to the **strategic objective**, this could be better achieved via **non-legislative action**, which would yield balanced economic impacts and positive social and fundamental human rights impacts, with no significant environmental impacts.

Focusing on both the specific and operational objectives, the legislative policy option would require imposing the establishment of a NFP within every EU MS, in addition to what is already required by the UN Firearms Protocol. It would also involve the imposition of a minimum set of tasks that the NFP would be required to carry out. Given that the specific and operational objectives aim at both establishing NFPs within all EU MSs and creating an interconnected network amongst these figures, legislative action is the only

option that would afford the possibility of imposing some mandatory requirements, in turn, facilitating the achievement of these objectives. This policy option would result in **positive economic impacts**: the economic expenditure necessary for setting up the NFPs (in MSs where they are still not established), and to sufficiently equip them with the requisite material and immaterial resources (e.g. training) needed to perform the foreseen tasks would be outweighed in the long-term by the improved efficiency of procedures that would yield both resource and time savings. This policy option would also result in **positive social impacts**. Indeed, only benefits stemming from improved efficiency in the fight against firearms trafficking were identified. These, in turn, would lead to an increased feeling of safety, a higher quality of local institutions and LEAs, a reduction in homicides and other violent crimes related to illicit trafficked firearms, and an increased number of convictions for firearms trafficking offences. No significant environmental and fundamental human rights impacts were identified.

Focusing on the strategic objective, the non-legislative action proved to be the best policy option. This option would provide LEAs, more specifically NFPs, with guidelines, recommendations, and training on how best to manage both the activities of the NFP and the coordination between NFPs across different MSs. Considering that the strategic objective aims to harmonise practices amongst existing NFPs, this policy option represents the best means through which to achieve the desired objective, since it is highly connected with education in specific tasks and activities. More specifically, this option produces **balanced economic impacts**, insofar as it implies significant levels of economic expenditure in order to provide high-level training to LEAs officials involved in the NFP units. However, these costs would be outweighed in the long-term by the improved efficiency of procedures that, in turn, would yield both resource and time savings. Also, considering the strategic objective and the related non-legislative policy option, **positive social impacts** would be produced as a result of the enhanced ability to tackle firearms trafficking and its attendant consequences.

Finally, **positive fundamental human rights impacts** would also be registered due to an increase in the right to life for all citizens who would have the opportunity to live in a safer environment, where less firearms cir-

culate illegally. In addition, there is also the possibility that the conditions of the victims of firearms trafficking and related offences would be improved, by virtue of reducing the harm they suffer.

5. Monitoring the impacts of the selected policy option

The process performed up until now has allowed for the identification and evaluation of all of the impacts that the different policy options might have in a wide array of domains (i.e. economic, social, environmental, and fundamental human rights impacts), in addition to defining which policy options can best maximise the benefits and keep the costs to a minimum, in order to accomplish the established policy objectives.

Once it is determined which of the policy options are the best, and once these selected policy options are then subsequently implemented, it is of paramount importance to **monitor the actual impacts** generated by these options. In fact, although a vast selection of possible impacts have already been identified and evaluated in the pre-implementation stage, it is also necessary to verify if the *ex-ante* impact assessment corresponds to reality. An **ex-post evaluation** would allow for an understanding of whether the selected

policy options are actually enabling the realisation of the desired policy objectives, while, simultaneously, producing the expected impacts (European Commission 2017).

To perform the *ex-post* evaluation, the trends of a specific set of impact indicators can be of help. These indicators allow for the effective monitoring of the impacts of the implemented policy options. Table 31 below presents a list of the impact indicators, differentiated by economic, social, environmental and fundamental human rights, that were used in the *ex-post* evaluation considering the operational instrument related to NFPs. Some of the indicators in Table 31 were specifically developed within the scope of the present impact assessment, while others were taken from the **KPIs provided in Annex 4 of the 2020-2025 EU Action Plan on firearms trafficking** issued by the European Commission (European Commission 2020a).

Table 31. Indicators used to monitor the impacts in the ex-post evaluation related to NFPs

Economic impacts	
Indicator	Source*
Firearms Focal Points (FFP) established and operational in each jurisdiction, meeting the standards of the EU Best practice guidance (KPI 7.1, European Commission 2020a)	LEAs internal data
Number of staff assigned to the NFP	LEAs internal data
Activities tasked to the NFP	LEAs internal data
Expenditure for law enforcement personnel involved in combating firearms trafficking	Eurostat crime and criminal justice; UNODC Criminal Justice Personnel; LEAs internal data
Expenditure for LEAs training in NFP	LEAs internal data
Number of hours of NFP training for LEAs personnel	LEAs internal data
Number of staff that received training on the firearms threat at both the EU (CEPOL training, notably) and national level (including cascading training) (KPI 7.2, European Commission 2020a)	LEAs internal data

Expenditure for data sharing software/databases	LEAs internal data
Expenditure for LEAs training materials	LEAs internal data
Number of investigations related to firearms trafficking	UNDOC IAFQ; LEAs internal data
Number of illicit firearms seized	UNDOC IAFQ; LEAs internal data
Number of prosecutions and convictions related to firearms trafficking	Internal data about judicial statistics
Estimate of organised crime profits	UNODC Estimates of illicit financial flows; The Economic, Financial, Social Impacts of OC in the EU; existing organised crime groups statistics
Firearms manufacturers revenues	Eurona 2018/2; Orbis by Bureau van Dijk; Manufacturers' internal data
Social impacts	
Indicator	Source*
Level of concern amongst citizens about firearms trafficking and violence	Eurobarometer
Percentage of citizens feeling satisfied (disaggregated by age and gender) or safe regarding armed violence (KPI 14, European Commission 2020a)	Eurobarometer
Percentage of citizens that feel threatened by the illegal possession and misuse of weapons (KPI 14.1, European Commission 2020a)	Eurobarometer
Perception of LEAs personal as to whether there has been an improvement in the level of cooperation with other LEAs in relation to firearms trafficking	LEAs internal data
Number of parallel investigations carried out	LEAs internal data
Number of JITs performed	LEAs internal data
Number of firearms, ammunition, explosives seized inland and at the external border (KPI 4, European Commission 2020a)	LEAs Internal data; UNODC IAFQ
Number of homicides committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of violent crimes committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of convictions related to firearms trafficking offences	Internal data about judicial statistics
Number of active organised crime groups	Organised crime national statistics
Number of criminal offences committed by organised crime groups	Organised crime national statistics
Environmental impacts	
Indicator	Source*
N/A	N/A

Fundamental human rights impacts	
Indicator	Source*
Number of persons murdered/injured/who committed suicide with firearms (KPIs 10.2, 10.3, 10.4, European Commission 2020a)	LEAs internal data
Number of homicides committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of victims of organised crime groups	LEAs internal data
Duration of the period in which victims suffer harm	LEAs internal data

*Sources are indicative. They have been reported to both give an idea of publicly available data and to suggest the types of data that can be collected. New and updated sources could become available in the near future.

6. Recommendations for the EU and guidelines for LEAs*

6.1 Recommendations for the EU

In 2015, the European Commission invited MSs to set up NFPs. Priority 3 of the 2020-2025 EU Action Plan on firearms trafficking underscores the need to complete the establishment of fully staffed and trained NFPs. The gap analysis shows that not all MSs have currently established a fully operational NFP. The results of the impact assessment thus suggest that there is a need for **legislative action** to further encourage the establishment of NFPs in MSs that have not yet done so. Legislative action would also facilitate the development of an interconnected network of NFPs all across Europe (operational objective).

With respect to those countries that have already set up an operational NFP, the results suggest that **non-legislative action** is necessary in order to fulfil the strategic objective related to the harmonisation of capabilities and the ways in which activities should be carried out.

The main **recommendations for the EU** that derive from the results of the impact assessment are as follows:

- Introduce a **mandatory requirement** imposing upon all the states the creation of an NFP, together with a minimum set of tasks to be carried out by the NFP (legislative action). These requirements could be specified by introducing an *ad hoc* article in the Directive complementing that which was already foreseen by the UN Firearms Protocol. However, it must be taken into account that the nature and scope of the problem of illicit firearms differs substantially across the MSs, and that it remains the responsibility of individual MSs how to organise and staff the NFP.
- Set up an **adequate institutional framework** to grant NFPs the authority to act as the national point of contact.
- Promote additional **training sessions for LEAs** officials with the express aim of spreading best practices on how to set up fully staffed and operational NFPs (e.g. provide NFP units officials with advanced analysis and language skills to better carry out their tasks and cooperate with other LEAs). The focus should be on the role of NFPs as

* The content of this paragraph has been redacted with the contribution of Prof. Toine Spapens (Tilburg University)

contact points for the MSs, in terms of cooperation, the pro-active exchange of information and expertise (non-legislative action). As aforementioned, such training should be combined with addressing other relevant topics.

- Develop new **guidelines** to aid LEAs officials in carrying out their day-to-day activities in the NFP units. These new guidelines would not supplant the existing ones elaborated by the European Firearms Experts Group as part of the EMPACT Firearms project, but rather would seek to integrate them (non-legislative action).
- Provide **funding** to enhance the settlement and implementation of NFP units. The EU should also provide funding to support the activities of the European Firearms Experts Group, by, for example, funding seminars designed to facilitate the exchange of best practices and network-building, in conjunction with also engaging in joint projects in the context of EMPACT Firearms (non-legislative action).
- Publish a **scoreboard for NFPs**, which clearly delineates their contact details and competences, as announced in the 2020-2025 EU Action Plan on firearms trafficking (non-legislative action).

6.2 Guidelines for LEAs

In 2015, the European Commission invited all MSs to set up inter-connected NFPs to develop expertise and improve analysis and strategic reporting on illicit trafficking in firearms, notably through the combined use of both ballistic and criminal intelligence. Presently, most MSs that responded to the survey have established an NFP. In practice, however, the tasks and capabilities of these NFPs differ markedly. For example, in several countries NFPs are limited to operating as contact points for questions and requests from police colleagues and other national enforcement agencies as well as for counterparts abroad. Although NFPs often have direct access to police and other law enforcement databases, this may not always aid their ability to respond immediately to incoming requests, as they first need to consult colleagues and other institutions.

Logically, NFPs should be tailored to the needs of specific countries, which may differ with respect to the threat caused by illicit firearms.

The main **guidelines for LEAs** to improve NFPs tasks and capabilities are as follows:

- **Attend all of the training sessions** available on NFPs.
- **Improve NFPs' skills** (e.g. data analysis, language, international relations).
- **Increase awareness over the role and tasks** of the NFP at the national level (e.g. by organising seminars and meetings).
- **Consult all of the guidelines manuals** that are available so as to properly set up NFPs.

D. Joint Criminal Investigations

1. Gap analysis

Current legislation and soft law

European dispositions

One of the first documents to mention the instrument of the joint criminal investigation was the 2000 **Council Act establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union**. Article 13 of the Convention defines Joint Investigation Teams (JITs) as an investigative technique that can be implemented, by mutual agreement, by the competent authorities of two or more MSs “for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more of the Member States setting up the team” (European Council 2000). The specific purposes for which a joint investigation could be set up are as follows:

(a) a Member State’s investigations into criminal offences require difficult and demanding investigations having links with other Member States;

(b) a number of Member States are conducting investigations into criminal offences in which the circumstances of the case necessitate co-ordinated, concerted action in the Member States involved (European Council 2000, 8).

The Convention then proceeds to report additional information regarding JITs; such as, for example, the following general conditions under which the team shall operate in the territory of the MSs:

(a) the leader of the team shall be a representative of the competent authority participating in criminal investigations from the Member State in which the team operates. The leader of the team shall act within the limits of his or her competence under national law;

(b) the team shall carry out its operations in accordance with the law of the Member State in which it operates. The members of the team shall carry out their tasks under the leadership of the person referred to in subparagraph (a), taking into account the conditions set by their own authorities in the agreement on setting up the team;

(c) the Member State in which the team operates shall make the necessary organisational arrangements for it to do so (European Council 2000, 8).

Although there is no mention of this operational instrument *vis-à-vis* firearms trafficking, the Convention nevertheless makes it abundantly clear that joint investigations are an expedient tool through which to fight criminality at the international level when coordination between different MSs’ LEAs is needed (European Council 2000).

The concept expressed in the Convention is subsequently reiterated in the **Council Framework Decision of 13th June 2002 on Joint Investigation teams**, a document which stems from the consideration that “for the purpose of combating international crime as effectively as possible, it is appropriate that at this stage a specific legally binding instrument on joint investigation teams should be adopted at the level of the Union which should apply to joint investigations into trafficking in drugs and human beings as well as terrorism” (European Council 2002, 1).

In 2010, the **EU Internal Security Strategy in Action: Five steps towards a more secure Europe** called for more joint investigations to be carried out with a view to disrupting international crime networks (European

Commission 2010). In the description of Objective 1, Action 1, the European Commission states that:

The international nature of criminal networks calls for more joint operations involving police, customs, border guards and judicial authorities in different Member States working alongside Eurojust, Europol and OLAF. Such operations, including Joint Investigation Teams, should be set up - where necessary at short notice - with the full support of the Commission in line with the priorities, strategic goals and plans established by the Council on the basis of relevant threat analyses (European Commission 2010, 5).

Within this Communication, the European Commission posits that joint operations and joint investigations are a key factor in “improving cooperation of border checks” and “interagency cooperation at the national level” (European Commission 2010, 13).

Another document that is worth addressing is the **Joint Investigation Teams Practical Guide**, which was developed by the European Council in 2017. The guide summarises the most important aspects (both legal and practical) of this particular operational instrument, including its possible intersections with parallel investigations (European Council 2017, 19). In addition, this document is also highly expedient because its Annex I briefly, but nevertheless clearly, delineates the main practical steps to be followed to set up a JIT (European Council 2017, 12). Finally, the guide provides a list of the added value produced by joint investigations:

- (a) a faster and more efficient way of sharing data and information amongst the parties;*
- (b) the sharing of data and information “collected in accordance with the legislation of the State in which the team operates [relies] on the (sole) basis of the JIT agreement”;*
- (c) the seconded members of the team have an active role in the JIT, in light of the fact that they “are entitled to be present and to take part – within the limits foreseen by national*

legislation and/or specified by the JIT leader – in investigative measures conducted outside their State of origin” (European Council 2017, 4).

International dispositions

In 2000, the **UNTOC Convention** mentioned the instrument of JITs (United Nations 2000, 25). However, Article 19 of the Convention differs from the European Council Act, insofar as it distinguishes between joint investigative bodies and joint investigations. The first solution shall be implemented on the basis of bilateral or multilateral agreements or arrangements “in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States” (United Nations 2000, 25). Joint investigations may be set up by agreement on a case-by-case basis, in the event that there are no previous agreements or arrangements in place. In any case, “the States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected” (United Nations 2000, 25).

A document with relevance to the Balkan region is the 2006 **Police Cooperation Convention for South-east Europe (PCC-SEE)**. Article 27 of this document incorporates all the previously mentioned documents (Police Cooperation Convention for Southeast Europe 2006). Furthermore, the PCC-SEE also set out the contents that have to be included in the request to set up a joint investigation:

- (a) the authority making the request;*
- (b) the purpose of the JIT;*
- (c) the Contracting Parties in which the JIT will operate;*
- (d) proposals for the composition of the JIT (Police Cooperation Convention for Southeast Europe 2006, 16).*

Article 27 of the PCC-SEE represents the legal basis for setting up JITs and is applicable between several EU MSs and Balkans countries.

Status of implementation

Implementation of normative dispositions

Joint criminal investigations are considered to be a useful investigative instrument when dealing with serious criminal offences involving manifold State Parties. The importance of this instrument can be traced back to the **UNTOC General Assembly Resolution (2000)**, which was signed, approved, accepted, accessed or ratified by all of the State Parties involved in Project ECOFIT, and the **Convention on Mutual Assistance**

in Criminal Matters between MSs, which was held in 2000 and ratified by all EU MSs, with the exception of Croatia and Greece.

Other references to the advantages possibly provided by joint investigations can be found in the **2006 PCC-SEE**, which was signed by Albania, Bosnia and Herzegovina, North Macedonia, Moldova, Montenegro and Serbia (i.e. with the exception of Turkey, all non-EU SELEC countries involved in Project ECOFIT), and by a few EU MSs (i.e. Slovenia, Romania, Hungary, Croatia, Bulgaria and Austria) (Table 32).

Table 32. Status of implementation of dispositions in relation to the use of joint criminal investigations

Country	European dispositions	South-East Europe dispositions	International dispositions
	Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union	Police Cooperation Convention for Southeast Europe (PCC-SEE)	UNTOC Convention
AT	04/04/2005	24/05/2011	23/09/2004 Ratification
BE	25/05/2005		11/08/2004 Ratification
BG	08/11/2007	25/09/2008	05/12/2001 Ratification
HR		15/02/2019	24/01/2003 Ratification
CY	03/11/2005		22/04/2003 Ratification
CZ	14/03/2006		24/09/2013 Ratification
DK	24/12/2002		30/09/2003 Ratification
EE	28/07/2004		10/02/2003 Ratification
FI	27/02/2004		10/02/2004 Ratification
FR	10/05/2005		29/10/2002 Ratification
DE	04/11/2005		14/06/2006 Ratification
EL			11/01/2011 Ratification

HU	25/08/2005	06/07/2012	22/12/2006 Ratification
IE	25/05/2020		17/06/2010 Ratification
IT	23/11/2017		02/08/2006 Ratification
LV	14/06/2004		07/12/2001 Ratification
LT	28/05/2004		09/05/2002 Ratification
LU	06/12/2010		12/05/2008 Ratification
MT	04/04/2008		24/09/2003 Ratification
NL	02/04/2004		26/05/2004 Ratification
PO	28/07/2005		12/11/2001 Ratification
PT	05/11/2001		10/05/2004 Ratification
RO	08/11/2007	02/07/2007	04/12/2002 Ratification
SK	03/07/2006		03/12/2003 Ratification
SI	28/05/2005	14/12/2012	21/05/2004 Ratification
ES	27/01/2003		01/03/2002 Ratification
SE	07/07/2005		30/04/2004 Ratification
UK	22/09/2005		09/02/2006 Ratification
NO			23/09/2003 Ratification
CH			27/10/2006 Ratification
AL		11/09/2006	21/08/2002 Ratification
BA		11/04/2007	24/04/2002 Ratification

MD		07/02/2008	16/09/2005 Ratification
ME		26/12/2007	23/10/2006 Succession
MK		01/06/2007	12/01/2005 Ratification
RS		23/07/2007	06/09/2001 Ratification
TR			25/03/2003 Ratification

Source: Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union ratification status: European Council and Council of the European Union n.d.; Police Cooperation Convention for Southeast Europe (PCC-SEE) ratification status: PCC SEE n.d.; UNTOC Convention ratification status: 'United Nations Treaty Collection' 2020a. Information retrieved in October 2020.

Notwithstanding the provisions outlined in these documents, both the implementation and use of joint investigations are not without their problems. In 2017, the European Council highlighted in its **Joint Investigation Teams Practical guide** that there was a complete lack of awareness on the behalf of the JIT members regarding the applicable legal regime in one or more of the State Parties (European Council 2017, 18). To avoid this potential problem, the Council recommended that clarifying the “applicable domestic rules at the setting-up stage may be advisable” (European Council 2017, 18). Additionally, in the **Evaluation of the 2015-2019 Action Plan on firearms trafficking between the EU and the south-east Europe region**, the European Commission reported that some Western Balkans “expressed the view that EUROPOL’s support did not provide timely feedback and useful intelligence analysis. EUROPOL has only been able to produce a low number of intelligence cases related to the Western Balkans (5.4% of all cases in 2017, 7.6% in 2018)” (European Commission 2019, 8). Furthermore, other international agencies such as Eurojust and the European Border and Coast Guard Agency (EBCGA) have been regarded as providing merely marginal contributions (European Commission 2019, 8). However, detailed provisions and information concerning the use of this instrument specifically in relation to illicit firearms manufacturing and trafficking cases has never been provided, while the

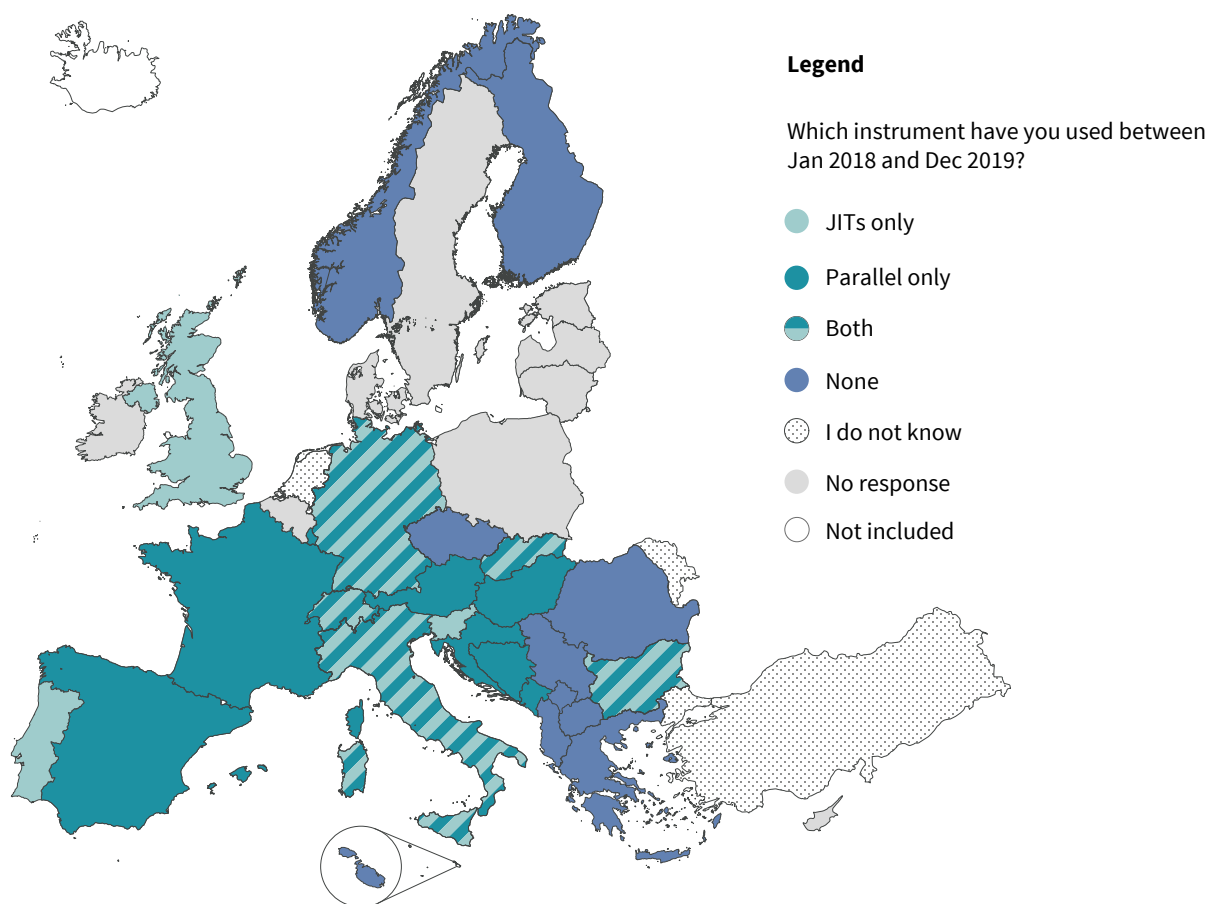
aforementioned Evaluation document also points out that no “Joint Investigation Team on firearms trafficking was supported by Eurojust in the Western Balkans” (European Commission 2019, 8).

Operational implementation

To investigate in greater detail the actual use of joint criminal investigations in relation to firearms trafficking, detailed information was retrieved via the survey delivered to key national stakeholders from the EU MSs, the UK, Switzerland, Norway and non-EU SELEC countries.¹⁵ As shown in Figure 19, amongst the 28 respondents, 17 (63%) declared having had experience with at least one type of cooperation in cross-border investigations on firearms trafficking between January 2018 and December 2019. Six countries reported having adopted both JITs and parallel investigations (Albania, Bulgaria, Germany, Italy, Slovakia and Switzerland), three noted that they had only adopted JITs (Portugal, Slovenia and the UK), while eight reported they had engaged solely in parallel investigations (Austria, Croatia, France, Hungary, Luxembourg, Spain, Montenegro and Bosnia and Herzegovina).

15. It must be noted that the information provided in the survey might differ from the actual status of implementation of the provisions, as a result of either clerical errors or misinformation from the respondents.

Figure 19. Cooperative operational instruments adopted during investigations related to the trafficking of illicit firearms between January 2018–December 2019

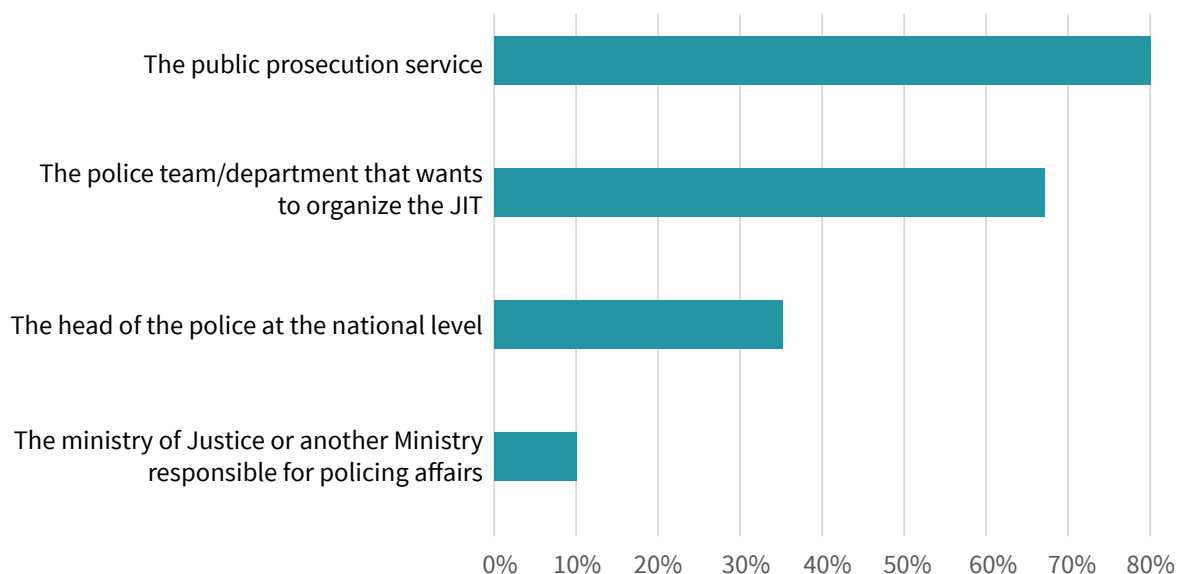


The main reason why countries did not participate in JITs was that although firearms trafficking is considered a problem in the country, the specific instrument was not necessary in the timespan considered. Bulgaria, Luxembourg and Hungary claimed that establishing a JIT was too complicated (e.g. national legal reasons), or simply would have taken too much time.

With the exception of seven countries—Croatia, Greece, Norway, Bosnia and Herzegovina, Moldova, Montenegro and Turkey—that either answered “I do not know” or skipped the question related to the authority in charge of deciding whether to set up a JIT, what emerged from the results is that in 80% of the countries (16 out of 20) the public prosecutor service would decide on this, whereas in 67% of the countries (14 out of 21) the police team or department that wants to organise the JIT would make the decision. In 35% of the countries (7 out of 20), this decision is made by the head of the police at the national level, while in only

10% of the countries did this take place at the ministerial level—Bulgaria and Malta. As indicated by the respondents, the decision-making process may depend on the characteristics of the case itself, the countries involved, such as, for example, whether a third country participates in the JIT. The power to decide over briefly participating in a JIT may be delegated to a Police department or a local public prosecutor, whereas a large-scale JIT may require higher-level approval. Differences in legal systems also emerged in the survey. For example, in the UK and Germany, Police departments have greater independence in choosing investigative strategies than their counterparts in the Netherlands, where the public prosecutor on the case leads the investigation on a day-to-day basis. Of course, despite hierarchical differences, all of the parties involved in a criminal investigation must be in complete agreement over whether a JIT could be fruitful (Figure 20).

Figure 20. Authority that decides upon establishing/participating in a JIT



According to the respondents, JITs, despite providing a series of advantages, are far from perfect; in fact, several aspects of them could be improved. With regard to the advantages, 24 out of 28 countries provided feedback on this point (with the exception of Croatia, Bosnia and Herzegovina, Moldova, Montenegro and Turkey), while only 15 out of 28 countries put forward improvements (with Croatia, the Czech Republic, Germany, Luxembourg, Portugal, Romania, the UK, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia and Turkey failing to provide any input). Each country had the chance to select more than one advantage and improvement as well as to suggest other options.

The results show that JITs are appreciated primarily because they improve communication with other States' LEAs (92% of the countries) and provide added value to the cooperation (79% of the countries). More than half of the countries (13 out of 24) highlighted that thanks to JITs it is no longer necessary to file separate requests for mutual legal assistance, which saves a lot of administrative work. Other reported advantages are that more manpower is available for the investigations, because it can be pooled between different countries (mentioned eight times). The respondents also noted that working together in a JIT re-

duces costs and allows evidence to be gathered more easily and effectively (cited by seven and six countries, respectively).

A JIT does not necessarily put an end to communication problems between staff from countries with different legal traditions, organisational cultures, procedures, and, last but not least, languages. For this reason, 33% of the countries—Austria, Bulgaria, Germany, Hungary, Malta, Slovakia, Slovenia and Spain—mentioned that the communication amongst the parties during JITs could be improved. Four countries—Austria, Italy, Malta and Spain—stressed the need for more funding, while six—Bulgaria, Malta, Finland, the Netherlands, Norway and Slovakia—suggested to simplify the process of setting up a JIT due to the time currently required. Indeed, establishing a JIT can involve extensive 'red tape' because higher-level authorities must be consulted, but also discussion between departmental heads and the leader of the investigation team about assigning personnel. Participating in a JIT implies making a firm commitment to the other State Parties involved, and, as such, giving up some degree of control and flexibility over how one assigns one's staff, which not all middle-managers are especially happy about. Finally, France suggested to reduce the formalism involved in JITs.

Gap analysis

Normative gaps

In 2017, the **Joint Investigation Teams Practical guide** emphasised that there was a complete lack of awareness on the behalf of JIT members regarding the applicable legal regime in one or more of the State Parties, and, hence, recommended clarifying the applicable rules and procedures for setting up JITs (European Council 2017, 18).

In the **Evaluation of the 2015-2019 Action Plan on firearms trafficking between the EU and the south-east Europe region**, the European Commission reported that especially Western Balkans countries found the contribution of international agencies in supporting the use of joint investigations to be marginal. In fact, existing dispositions are limited to allowing the possibility to rely on joint investigations as an investigative technique that can produce effective results due to cross-border cooperation between countries, but do not detail how the instrument itself should be used. Moreover, in the **2020-2025 EU Action Plan on firearms trafficking** it is stated that, because firearms trafficking is approached differently by MSs, the use of joint cross-border operations is still limited, which, in turn, can hinder the achievement of optimal results (European Commission 2020b).

In relation to European dispositions, the 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union has only not been ratified by **Croatia** and **Greece**. Considering South-East Europe dispositions, the PCC-SEE has been ratified by all non-EU SELEC countries, with the exception of **Turkey** and a handful of EU MSs. Conversely, the 2000 UNTOC Convention has been ratified by all State Parties involved in project ECOFIT.

All of the countries participating in Project ECOFIT have, at the very least, ratified the UNTOC Convention. In theory, joint investigations should be a readily available investigative technique within all of the countries that form the focus of the present analysis. Despite this, due to the lax provisions, some discrepancies in the operational aspects of the use of joint investigations amongst countries can be identified.

Operational gaps

According to the respondents,¹⁶ in 2018 and 2019, only **eight countries**—Bulgaria, Germany, Italy, Portugal, Slovakia, Slovenia, Switzerland, and the UK—**resorted to JITs** during the course of investigations that involved international cooperation. However, **no respondent** claimed that JITs for cases involving firearms are **forbidden** in their country. Hence, the gaps observed across Europe are merely operational rather than normative. The main reason why this instrument was not used is that it was **deemed not necessary** for the specific cases that occurred during the period considered (Croatia, the Czech Republic, Finland, Malta, North Macedonia, Romania, Spain). Only two countries (Hungary and Luxembourg) renounced the use of the instrument on the grounds that it is **too complicated and/or time-consuming to set up the procedure**. **Operational gaps** between countries concerning the use of the instrument, thus, seem to be **generated by the necessities of the investigations themselves** rather than any inherent faults of the instrument itself.

Significant **heterogeneity** was observed amongst the **authorities that can establish a JIT** (Table 33). In fact, each country appears to have its own procedure, with countries like Albania, Hungary, Finland, Italy and Portugal having a single institution in charge of authorising JITs, while other countries, such as Bulgaria, the Czech Republic, Malta, Slovakia, Slovenia and Spain have multiple authorities, ranging from Police departments to Ministries, that can establish a JIT.

Despite these observed differences, however, all States are relatively consistent when it comes to the number of joint investigations performed over the course of 2018 and 2019. In fact, the majority of countries did not partake in any joint criminal investigation, while the few which did—Portugal and Switzerland—performed two at most. There were similar numbers of parallel investigations, with the only outlier being Spain which took part in 41. Hence, the survey showed that **both cooperative operational instruments are rarely used in Europe**.

16. It must be noted that the information provided by the respondents in the survey may be imprecise or incorrect, due to either clerical errors or misinformation from the respondents, which potentially causes internal inconsistencies.

Table 33. Authorities with decision-making power over JITs

Country	The police department that wants to organise the JIT	The head of the police at the national level	The public prosecution service	The Ministry responsible for policing affairs	I do not know
AL					
AT					
BA					
BG					
HR					
CZ					
FI					
FR					
DE					
EL					
HU					
IT					
LU					
MT					
MK					
NL					
NO					
PT					
RO					
RS					
SK					
SI					
ES					
CH					
UK					

Note: Light blue cells=authorities with decision-making power, dark blue cells=authorities without decision-making power, grey cells=information is not available.

2. Policy objectives and intervention logic

The following scheme (Table 34) summarises the process that led up to both the definition of the policy objectives and the intervention logic of the fourth operational instrument included in the analysis, i.e. joint criminal investigations. The identification of the

main gaps allowed for a determination of how the current situation could be improved, by defining the general, specific, operational, and strategic objectives. The achievement of these objectives leads to specific outcomes and results.

Table 34. Intervention logic of joint criminal investigations

Main gaps	General objective	Specific objectives	Operational and strategic objectives	Outcomes	Results
Rarely considered necessary in firearms investigations	The Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences (Art. 87.1 Treaty on the Functioning of the European Union)	Handle criminal offences that require difficult and demanding investigations having links with two or more Member States (Art. 13 Convention on Mutual Assistance in Criminal Matters)	<p>OPERATIONAL:</p> <p>Reduce the legal and procedural difficulties that obstruct the setting up of joint criminal investigations, e.g. JITs</p> <hr/> <p>STRATEGIC:</p> <p>Harmonise the circumstances under which joint criminal investigations (like JITs) are allowed to promote its use</p>	<ul style="list-style-type: none"> - EU MSs and other countries beyond the EU to use joint criminal investigations and JITs when necessary - EU MSs and other countries beyond the EU to harmonise the circumstances under which the use of joint criminal investigations and JITs are allowed 	<ul style="list-style-type: none"> - Better exchange of information between LEAs - Improved coordination and cooperation between LEAs
Impediments to police cooperation in criminal procedures					
Difficulty in understanding importance and usefulness of joint criminal investigations					
Existence of other instruments more easily applicable					

3. Policy options

With respect to the operational instrument of joint criminal investigations, four policy options are identified:

- **No action (status quo):** Article 87.1 of the TFEU and Article 13 of the Convention on Mutual Assistance in Criminal Matters continue to be the reference point for joint criminal investigations. Neither new legislative nor non-legislative actions need to be implemented to improve and make more efficient this operational instrument. Under this option, it is suggested that the articles, and the manner in which they are currently implemented, should thus remain the same. This means that the status of implementation of legislative and soft-laws measures should remain unaltered with regard to the situation portrayed in the Gap analysis section.

- **Non-legislative action:** new education and information activities should be provided for both LEAs personnel involved in the performance of joint criminal investigations and the prosecutors in charge of authorising them, together with the introduction of some modifications to the set-up procedures of JITs. More specifically, additional **training sessions**, besides those already provided by CEPOL,¹⁷ should be organised and delivered to LEAs officials and prosecutors with the express aim of both spreading best practices regarding when and how to set up joint criminal investigations and educating them in the benefits and rules of these investigations. In

17. For example, the firearms online module available at: <https://www.cepola.europa.eu/media/news/updated-firearms-online-module-available-self-paced-learning>

addition, this option should also include the development of new **guidelines**, which would be used in tandem with existing ones, in order to aid LEAs officials involved in joint criminal investigations.

- **Legislative action:** there needs to be the introduction or modification of an article in the in force Convention on Mutual Assistance in Criminal Matters, or the introduction of an article in other existing legislative instruments (e.g. Directives), with the purpose of providing State Parties with more specific details concerning the set-up requirements and procedures.

- **Combination of legislative and non-legislative action:** this would involve the introduction of some elements foreseen in the non-legislative action combined with some elements from the legislative action. For example, it could consist of introducing a new legislative act providing specific details about the set-up procedures to be followed, allied with the provision of guidelines and training sessions designed to ensure better alignment with the newly introduced legislative provision.

4. Analysis of the impacts

4.1 Identification of the impacts

The present impact assessment aims at identifying which of the envisaged policy options is the most optimal solution for achieving the appointed policy objectives in relation to the operational instrument of joint criminal investigations.

As highlighted in the Methodology section, the first step in analysing the impacts is to accurately determine **all the foreseeable impacts** that each policy option might have on the current situation in relation to the baseline scenario concerning joint criminal investigations.

The tables below report the potential impacts that the identified policy options might cause, in addition to an array of indicators together with the data source to be used to monitor these impacts. Most data on illicit firearms are not publicly available, but rather are data that are internally collected by LEAs. In some cases,

some sources about more general data (i.e. not specifically dealing with illicit firearms) are reported to both give an idea of publicly available data and to suggest the types of data that can be collected. The impacts are distinguished between costs and benefits. Each of these can be identified as a **direct cost/benefit** if the impact is a direct consequence of the implementation of a policy option; on the contrary, it can be identified as an **indirect cost/benefit** if the impact is a second-order consequence, which means that it is not caused directly by the implementation of the policy option, but rather by one of its direct impacts (European Commission 2017). More specifically, Table 35 presents the possible economic impacts, Table 36 depicts the possible social impacts, Table 37 displays the possible environmental impacts, while Table 38 shows the possible impacts on fundamental human rights.

Table 35. Joint criminal investigations: Economic impacts

Cost/ Benefit	Direct/ Indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increase in law enforcement expenditure	<ul style="list-style-type: none"> • Number of members of law enforcement (police, prosecution, and court) involved in combating firearms trafficking • Expenditure for law enforcement personnel involved in combating firearms trafficking • Cooperative operational instruments adopted during investigations • Number of inter-institutional cooperative cases at the operational level, including investigation, prosecution and pretrial phases (KPI 8, European Commission 2020a) 	Eurostat crime and criminal justice UNODC Criminal Justice System – Police UNODC Criminal Justice System – Prosecution UNODC Criminal Justice System – Court LEAs internal data ECOFIT Survey: Question 4.1(Box 7)
		Increase in expenditure for LEAs training on the advantages of JITs	<ul style="list-style-type: none"> • Expenditure for LEAs training • Number of hours of training for LEAs personnel 	LEAs internal data
	Indirect	Increase in the total expenditure for joint operations	<ul style="list-style-type: none"> • Number of JITs performed • Expenditure for JITs 	LEAs internal data ECOFIT Survey: Question 4.5
		Increase in the time and bureaucracy for organising joint operations	<ul style="list-style-type: none"> • Number of model agreements for the establishment of a JIT • Number of JITs performed 	LEAs internal data ECOFIT Survey: Question 4.5
		Increase in the cost of judicial procedures	<ul style="list-style-type: none"> • Number of judicial procedures related to JITs • Expenditure in judicial procedures related to JITs 	UNODC Criminal Justice Personnel LEAs internal data
		Expenditure for training manuals and materials	<ul style="list-style-type: none"> • Expenditure for LEAs training materials 	LEAs internal data

Benefits	Direct	Increased efficiency in the fight against firearms trafficking through greater operational co-operation	<ul style="list-style-type: none"> • Number of investigations related to illicit firearm trafficking • Number of convictions related to illicit firearm trafficking • Number of illicit firearms seized • Number of homicides committed with illegally acquired firearms 	LEAs internal data UNDOC IAFQ UNDOC Arms seized by type GunPolicy.org facts and figures UNODC Global Study on Homicide (2019) UNODC Homicide Statistics 2013 The Economic, Financial, Social Impacts of OC in the EU FIRE Project Armed Violence Monitoring Platform
	Indirect	Decrease in the profitability of organised crime (especially additional sources of funding)	<ul style="list-style-type: none"> • Estimates of organised crime profits 	Existing organised crime groups statistics
		Increased revenues for firearms manufacturers	<ul style="list-style-type: none"> • Firearms manufacturers revenues 	Eurona 2018/2 Orbis by Bureau van Dijk Manufacturers' internal data

Table 36. Joint criminal investigations: Social impacts

Cost/benefit	Direct/indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	N/A	N/A	N/A
	Indirect	Heightened citizen insecurity due to the increased salience of issues related to illicit firearm trafficking	<ul style="list-style-type: none"> • Level of concern amongst citizens about firearms trafficking and violence 	Eurobarometer

Benefits	Direct	N/A	N/A	N/A
	Indirect	Increase in feeling of safety due to improved efficiency in the fight against firearms trafficking	<ul style="list-style-type: none"> • Level of concern amongst citizens about firearms trafficking and violence 	Flash Eurobarometer 383
		Increase in the quality of local institutions and LEAs in tackling firearm trafficking	<ul style="list-style-type: none"> • LEAs perceived quality of the effectiveness of tackling firearms trafficking • Number of seized firearms • Perceptions of LEAs personnel about whether the level of cooperation with other LEAs has improved in relation to firearms trafficking • Citizens' perceptions of the effectiveness of LEAs in tackling firearms trafficking 	Flash Eurobarometer 383 UNDOC Arms seized by type UNDOC IAFQ LEAs internal data ECOFIT Survey: Question 4.8 LexisNexis WorldCompliance data (Box 3)
		Reduction in homicides and other violent crimes related to trafficked firearms	<ul style="list-style-type: none"> • Number of homicides committed with trafficked firearms • Number of violent crimes committed with illicit trafficked firearms 	LEAs internal data GunPolicy.org facts and figures UNODC Global Study on Homicide (2019) UNODC Homicide Statistics 2013 The Economic, Financial, Social Impacts of OC in the EU FIRE Project Armed Violence Monitoring Platform LexisNexis WorldCompliance data (Box 4)
		Increase in the convictions for firearms trafficking offences	<ul style="list-style-type: none"> • Number of convictions related to firearms trafficking offences 	Existing statistics on judicial data LexisNexis WorldCompliance data (Box 5)
		Possible disruption of other illicit activities of organised crime groups supported by firearms trafficking (e.g. human and drug trafficking)	<ul style="list-style-type: none"> • Number of active organised crime groups • Number of criminal offences committed by organised crime groups 	Existing organised crime groups statistics

Table 37. Joint criminal investigations: Environmental impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increase in pollution due to more travelling by LEAs personnel	• Number of km covered by LEAs personnel during their travelling	LEAs internal data
	Indirect	N/A	N/A	N/A
Benefits	Direct	N/A	N/A	N/A
	Indirect	N/A	N/A	N/A

Table 38. Joint criminal investigations: Fundamental human rights impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increase in the number of convictions in jurisdictions with tougher penalties	• Number of convictions related to firearms trafficking offences in the different jurisdictions	Existing statistics on judicial data
	Indirect	N/A	N/A	N/A
Benefits	Direct	N/A	N/A	N/A
	Indirect	Right to life	• Number of homicides committed with illicit trafficked firearms	LEAs internal data GunPolicy.org facts and figures UNODC Global Study on Homicide (2019) UNODC Homicide Statistics 2013 The Economic, Financial, Social Impacts of OC in the EU FIRE Project Armed Violence Monitoring Platform
		Improvements in the conditions of victims of other criminal activities supported by firearms trafficking (e.g. human and drug trafficking)	• Number of victims of organised crime groups • Duration of the period in which victims suffer harm	LEAs internal data

With regard to the operational instrument related to joint criminal investigations, one can discern that not all of the areas examined are comparable in terms of the potential impacts they generate. Considering both the specific topic of interest of this impact assessment and the changes foreseen by the implementation of the policy options taken into consideration, **economic and social impacts** proved to be the most relevant, whereas only minor environmental and fundamental human rights impacts were identified.

In relation to **economic impacts**, the majority of the costs associated with the implementation of the policy options pertain to:

- Expenses associated with hiring additional law enforcement personnel who are specifically in charge of participating in joint criminal investigations;
- Related expenditures for training law enforcement personnel in the new tasks to be performed;
- Expenses related to the additional number of joint investigations carried out;
- Related expenditures for bureaucratic and judicial procedures to allow and manage joint investigations.

These costs would be balanced out by the improved efficiency of LEAs cooperation in relation to tackling firearms trafficking, which, in turn, would potentially lead to a reduction in profits for organised crime and other transnational crimes.

In relation to **social impacts**, some indirect benefits were identified. Specifically, conducting a greater number of joint investigations would:

- Enhance cooperation amongst LEAs in EU MSs;
- Improve citizens' perceived sense of security;
- Increase the quality of local institutions and LEAs;
- Enhance the ability to more efficiently tackle the phenomenon of illicit firearm trafficking.

These benefits could possibly be balanced out by heightened insecurity amongst citizens, insofar as setting up more joint investigations related specifically to firearms trafficking could lead citizens to believe that this crime type is becoming ever-more widespread and serious.

In relation to **environmental impacts**, no significant costs nor benefits were identified.

Focusing on **fundamental human rights impacts**, the major potential cost relates to the fact that by setting up joint investigations in more than one country, it would be theoretically possible to prosecute a single offence, and their authors, in different jurisdictions. This raises the risk that it might be decided to prosecute the offence in the country that applies the strictest criminal penalties, which, in turn, potentially infringes upon the fundamental human rights of the individuals under investigation. With respect to the benefits, there would potentially be an increase in the right to life for all citizens who would have the opportunity to live in a safer environment, where less firearms circulate illegally. In addition, tackling firearms trafficking in a more efficient way would also improve the conditions of the victims of these offences, insofar as it would reduce the time during which they suffer the harms caused by the perpetrators of these offences.

Box 7. Cooperative operational instruments adopted during investigations

As a result of the ECOFIT Survey (see the Gap analysis section), it was possible to gather knowledge about joint criminal investigations performed by LEAs (see Figure 19 and Figure 20). This information can provide useful **inputs and insights** in relation to the Commission **KPI 8** (i.e. Number of inter-institutional cooperation cases at the operational level, including investigation, prosecution and pretrial phases),

annexed to the **2020-2025 EU Action Plan on firearms trafficking** (European Commission 2020a).

The fact that some cooperative instruments are adopted or not indirectly provides insight into the level of law enforcement expenditure. Indeed, the reliance on more cooperative instruments is linked to greater effort for LEAs in terms of time and resources, and, consequently, expenditure.

4.2 Evaluation of the impacts

After having accurately determined the potentially relevant impacts, the second step is to actually **evaluate the relevance of these impacts** in relation to both the defined policy objectives and the related policy options.

Table 39 shows the results of this evaluation. The impacts are measured as **positive, balanced, negative,**

or non-existent (the following code is used in Table 39: Positive = P; Balanced = B; Negative = N; Non-Existent = 0).

The results of the analysis allow for the **comparison of different policy options** and the selection of the **preferred one** in relation to each policy objective (general, specific, operational, and strategic).

Table 39. Impact of different policy options on policy objectives in relation to Joint criminal investigations

Policy Objectives		Policy options															
		No action (status quo)				Non-legislative action				Legislative action				Combination of legislative and non-legislative action			
		Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights
General	Art. 87.1 TFEU The Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences.	0	0	0	0	N	N	N	N	N	N	N	N	N	N	N	N
Specific	Art. 13 Convention on Mutual Assistance in Criminal Matters [...] A joint investigation team may, in particular, be set up where: (a) a Member State's investigations into criminal offences require difficult and demanding investigations having links with other Member States [...]	0	0	0	0	N	B	0	B	N	N	0	0	N	B	0	B

<i>Operational</i>	Reduce the legal and procedural difficulties that obstruct the setting up of joint criminal investigations, e.g. JITs	0	0	0	0	B	P	O	B	B	N	0	0	N	P	0	B
<i>Strategic</i>	Harmonise the circumstances under which joint criminal investigations (like JITs) are allowed to promote its use	0	0	0	0	B	P	O	B	N	N	0	0	N	P	0	B

4.3 Results

According to the analysis, the best policy option regarding the **general objective** in relation to joint criminal investigations is the **no action** policy option. Article 87.1 of the TFEU (European Union 2012) aims at establishing police cooperation in both the prevention and investigation of criminal offences; however, the present objective, which both encompasses a very broad subject matter and has been pursued for a long time, can already be considered to be sufficiently achieved. In addition, considering the available policy options that were developed specifically for the issue of firearms trafficking, none of them are capable of furthering the actual status of achievement of the objective, particularly when one considers the likelihood of consistently investing in resources. This results in all the policy options generating negative economic, social, environmental, and fundamental human rights impacts, with the exception of the no action option that produces no impact.

Moreover, the **specific policy objective** in relation to joint criminal investigations, as defined by Article 13 of the Convention on Mutual Assistance in Criminal Matters (European Council and Council of the European Union 2005), can be better achieved with the **“no action” policy option**. This option would generate no impacts, in contrast to the other policy options that would generate some negative impacts and no positive impacts. Conversely, with respect to the **operational and strategic policy objectives**, these would be better achieved via **non-legislative action**, which would yield balanced economic and fundamental human rights impacts, and positive social impacts, while producing no significant environmental impacts.

With regard to the specific objective of bringing about the possibility of establishing joint criminal investigations, such as JITs, in the case of difficult and demanding investigations that have links with other MSs, the best policy option would be to not implement new policies, and instead leave the *status quo* unaltered. This option would not affect the current scenario, insofar as it would register **no economic, social, environmental, and fundamental human rights impacts**. However, it proves to be the best option, in light of the fact that all the other alternatives would produce some negative impacts, without generating any benefits in return. Indeed, as was noted by both the stakeholders and experts who were consulted during the workshop that formed part of Project ECOFIT, JITs are already allowed in most countries; hence, it does not seem necessary to undertake specific actions, along with their subsequent costs, to improve a situation that is already adequate.

Focusing on the operational and strategic objectives, the non-legislative action proves to be the best policy option. Indeed, this option provides LEAs with guidelines, training and education into the benefits and rules of joint criminal investigations, such as JITs, together with an eventual modification in the procedure of setting up JITs. Considering that the aims of the operational and strategic objectives are to reduce the legal and procedural difficulties that are currently obstructing the establishment of joint criminal investigations like JITs, in addition to harmonising the circumstances under which they are allowed, the non-legislative policy option was deemed to be the most appropriate. More specifically, this option generates **balanced**

economic impacts, based on the fact that it implies significant economic expenditure in order to provide high-level education and training to LEAs officials possibly involved in joint criminal investigations, allied with economic expenditure for implementing specific modifications to the current set-up procedures. However, these costs would be balanced out in the long-term by the improved efficiency of procedures that would allow LEAs to better tackle firearms trafficking, while, simultaneously, reducing resources and time. This option would also produce **positive social impacts** due to the enhanced abilities to tackle firearms trafficking and its attendant consequences. Finally, **balanced fundamental human rights impacts** were

also registered. The principal benefit of this policy option would be an increase in the right to life for all citizens who would have the opportunity to live in a safer environment, where less firearms circulate illegally. In addition, there would be the possibility of improving the conditions of the victims of firearms trafficking and related offences, by virtue of reducing the harm they suffer. However, one important drawback in terms of the costs also needs to be reported. This concerns the fact that an increase in the number of joint criminal investigations like JITs could also increase the risk of deciding to prosecute offences in countries that apply the strictest criminal penalties, which would subsequently infringe upon the fundamental human rights of the individuals under investigation.

5. Monitoring the impacts of the selected policy option

The process carried out up until now has allowed for both the identification and evaluation of all of the impacts that these different policy options might have across a wide array of domains (i.e. economic, social, environmental, and fundamental human rights impacts), and to define what the best policy options are, with respect to maximising the benefits and keeping the costs to a minimum, in the accomplishment of the established policy objectives.

Once it is determined which of the policy options are the best, and once the selected policy options are subsequently implemented, it is then of paramount importance to **monitor the actual impacts** generated by these options. In fact, although a vast selection of potential impacts have already been identified and evaluated in the pre-implementation stage, it is also necessary to verify if the *ex-ante* impact assessment corresponds to reality. An **ex-post evaluation** allows for an understanding of whether the selected policy

options are actually enabling the possibility of realising the desired policy objectives, while, simultaneously, producing the expected impacts (European Commission 2017).

To perform the *ex-post* evaluation, the trends of a specific set of impact indicators can be of help. These indicators allow for the effective monitoring of the impacts of the implemented policy options. Table 40 below presents a list of the impact indicators, differentiated by economic, social, environmental and fundamental human rights, used in the *ex-post* evaluation regarding the operational instrument related to joint criminal investigations. Some of the indicators in Table 40 were specifically developed within the scope of the present impact assessment, while others were taken from the **KPIs provided in Annex 4 of the 2020-2025 EU Action Plan on firearms trafficking** issued by the European Commission (European Commission 2020a).

Table 40. Indicators used to monitor the impacts in the ex-post evaluation related to joint criminal investigations

Economic impacts	
<i>Indicator</i>	<i>Source*</i>
Number of members of law enforcement involved in combating firearms trafficking	Eurostat crime and criminal justice; UNODC Criminal Justice Personnel; LEAs internal data
Expenditure for law enforcement personnel involved in combating firearms trafficking	Eurostat crime and criminal justice; UNODC Criminal Justice Personnel; LEAs internal data
Expenditure for LEAs trainings	LEAs internal data
Number of hours of training for LEAs personnel	LEAs internal data
Number of JITs performed	LEAs internal data
Number of inter-institutional cooperative cases at the operational level, including investigation, prosecution and pretrial phases (KPI 8, European Commission 2020a)	LEAs internal data
Expenditure for JITs	LEAs internal data
Number of model agreements for the establishment of a JIT	LEAs internal data
Number of judicial procedures related to JITs	LEAs internal data
Expenditure for judicial procedures related to JITs	LEAs internal data
Expenditure for LEAs training materials	LEAs internal data
Number of investigations related to firearms trafficking	LEAs internal data
Number of convictions related to firearms trafficking	Internal data about judicial statistics
Number of illicit firearms seized	LEAs internal data; UNODC IAFQ
Number of firearms, ammunition, explosives seized inland and at the external border (KPI 4, European Commission 2020a)	LEAs Internal data; UNODC IAFQ
Number of homicides committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Estimates of organised crime profits	UNODC Estimates of illicit financial flows; The Economic, Financial, Social Impacts of organised crime in the EU; existing organised crime group statistics
Firearms manufacturers revenues	Eurona 2018/2; Orbis by Bureau van Dijk; Manufacturers' internal data
Social impacts	
<i>Indicator</i>	<i>Source*</i>
Level of concern amongst citizens about firearms trafficking and violence	Eurobarometer
Percentage of citizens that are satisfied (disaggregated by age and gender) or feel safe regarding armed violence (KPI 14, European Commission 2020a)	Eurobarometer

Percentage of citizens feeling threatened by the illegal possession and misuse of weapons (KPI 14.1, European Commission 2020a)	Eurobarometer
Perceptions of LEAs personnel regarding the effectiveness of tackling firearms trafficking	LEAs internal data
Perceptions of LEAs personnel regarding whether there has been an improvement in the level of cooperation with other LEAs in relation to firearms trafficking	LEAs internal data
Number of homicides committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of violent crimes committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of convictions related to firearms trafficking offences	Internal data about judicial statistics
Number of active organised crime groups	Organised crime national statistics
Number of criminal offences committed by organised crime groups	Organised crime national statistics
Environmental impacts	
Indicator	Source*
Number of km covered by LEAs personnel during journeys	LEAs internal data
Fundamental human rights impacts	
Indicator	Source*
Number of convictions related to firearms trafficking offences across the different jurisdictions	Internal data about judicial statistics
Number of persons murdered/injured/who committed suicide with firearms (KPIs 10.2, 10.3, 10.4, European Commission 2020a)	LEAs internal data
Number of homicides committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of victims of organised crime groups	LEAs internal data
Duration of the period in which victims suffer harm	LEAs internal data

**Sources are indicative. They have been reported to both give an idea of publicly available data and to suggest the types of data that can be collected. New and updated sources could become available in the near future.*

6. Recommendations for the EU and guidelines for LEAs*

6.1 Recommendations for the EU

The instrument of joint criminal investigations, whether in the form of JITs or (mirrored) parallel investigations, is available to all MSs and to third countries as far as these have adopted the Council of Europe's Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters. The results of the impact assessment suggest that **no action** is needed to fulfil the specific objective underlined in this Convention (i.e. handle criminal offences that require difficult and demanding investigations that have links with two or more countries).

The results suggest that **non-legislative actions** could be useful for achieving both the operational and strategic objectives associated with this operational instrument (i.e. reducing the legal and procedural difficulties that hinder the establishment of joint criminal investigations in firearms trafficking cases, and harmonising the circumstances under which joint criminal investigations are allowed to promote its use, respectively). The fact that, for example, JITs are rarely established in the context of firearms trafficking calls for further promotion regarding both the use of this instrument and its harmonisation.

The main **recommendations for the EU** that derive from the results of the impact assessment are as follows:

- Introduce and promote **awareness campaigns** and additional **training to LEAs officials and prosecutors** with the express aim of both spreading best practices concerning when and how to set up joint criminal investigations and educating officials in the benefits and rules of these investigations. Those responsible for both deciding upon the establishment of JITs and drawing up national requirements at higher policy levels should be included in these debates. This would allow for the dissemination of the benefits as well as best practices, but also facilitate discussion around the

risks and potential drawbacks of establishing a JIT in specific cases (non-legislative action). As aforementioned, such training should be combined with addressing other relevant topics.

- **Disseminating concrete cases** in which joint criminal investigations have previously been applied in firearms trafficking investigations to specific stakeholders, such as investigative officials. These cases should consist of both successful and unsuccessful cases in order to learn from best practices and common mistakes.

6.2 Guidelines for LEAs

Although legal provisions for JITs and parallel (mirrored) investigations are currently implemented in all MSs and most third countries that participated in Project ECOFIT, this type of cooperation is often not deemed to be necessary in investigations related to illicit firearms. In addition, establishing a JIT is in some countries considered to be too complicated administratively, because, amongst other things, the decision must be taken at the national level. Those respondents who have experience with JITs underscore the added value of the instrument in terms of easing cooperation, improving communication with other states' LEAs, pooling personnel between different countries and gathering evidence more effectively.

The main **guidelines for LEAs** to improve joint criminal investigations on firearms are as follows:

- **Attend all of the training sessions** that are available on joint criminal investigations.
- **Consult all of the guidelines manuals** that are available on how to set up joint criminal investigations.
- **Advance cooperation amongst LEAs and the prosecutors** who are in charge of authorising joint criminal investigations, both at the national and international level.

* The content of this paragraph has been redacted with the contribution of Prof. Toine Spapens (Tilburg University)

E. Controlled delivery procedures

1. Gap analysis

Current legislation and soft law

European dispositions

In an analogous fashion to what we saw with joint criminal investigations, the use of controlled deliveries procedures was briefly mentioned in the 2000 **Council Act establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union**. Article 12 of the Convention states that:

(a) each Member State shall undertake to ensure that, at the request of another Member State, controlled deliveries may be permitted on its territory in the framework of criminal investigations into extraditable offences;

(b) the decision to carry out controlled deliveries shall be taken in each individual case by the competent authorities of the requested Member State, with due regard for the national law of that Member State;

(c) controlled deliveries shall take place in accordance with the procedures of the requested Member State. The right to act and to direct and control operations shall lie with the competent authorities of that Member State (European Council 2000).

However, the Convention neither mentions any additional information on controlled deliveries nor puts forward an extensive definition. The same concepts were subsequently reiterated in 2001 in Article 18 of **the Second additional protocol to the European**

Convention on Mutual Assistance in Criminal Matters of 20th April 1959, which added that MSs should indicate those authorities which are competent at setting up controlled deliveries (Council of Europe 2001, 10). Through this disposition, the Council of Europe underscored the importance of correctly identifying those national bodies that should form part of the network of international cooperation.

International dispositions

More information on controlled deliveries was provided by Article 2 of the **UNTOC Convention** (United Nations 2000), which defined controlled deliveries as follows:

The technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence (United Nations 2000).

Additional information was provided in Article 20, which specified that the decision to use controlled delivery procedures include methods “such as intercepting and allowing the goods to continue intact or be removed or re-placed in whole or in part” (United Nations 2000, 26). While the Convention does not specify any explicit connection between the use of controlled deliveries and the topic of firearms trafficking, it does make clear that this operational instrument could prove to be a useful tool for LEAs to employ in the fight against different types of transnational crime (United Nations 2000).

In the Western Balkans context, Article 15 of the **PCC-SEE** provides a list of useful information regarding controlled deliveries, specifically:

(a) an overview of the circumstances, objects, conditions and procedures of controlled deliveries.

- *Objects: “[...] transport of narcotic drugs, precursors, firearms, explosives, counterfeit currency, and items originating from a crime, or intended to be used to commit a crime”;*
- *Conditions: the request to carry out a controlled delivery can be forwarded “[...] if the requesting Contracting Party explains that, without such a measure, identification of perpetrators or of distributing routes would be impossible or extremely hampered”;*
- *Exceptional cases: “[...] if the content of a controlled delivery presents a particular risk for the persons involved, or a danger to the public, the requested Contracting Party has the right to ask that certain conditions be met before granting the request or refuse the request altogether”.*

(b) Contracting Parties’ roles and competences once the delivery crosses the border.

(c) Circumstances in which the controlled delivery procedure has to be interrupted and the delivery can be seized, namely:

- *Impossibility of the competent law enforcement authorities of the requested Contracting Party being able to intervene in due time;*
- *The continuation of the controlled delivery presents a serious risk to the life or health of persons, or causes serious damage to property;*

- *The delivery could no longer be kept under control (Police Cooperation Convention for Southeast Europe 2006).*

The PCC-SEE clearly aims towards promoting cooperation in the Western Balkans, including with regard to the instrument of controlled deliveries for explicit firearms trafficking, in order to both pursue common security interests and to effectively combat cross-border threats to public order and security (Police Cooperation Convention for Southeast Europe 2006, 1).

Status of implementation

Implementation of normative dispositions

Controlled deliveries are considered to be a useful investigative instrument through which to combat criminal offences of a transnational nature. The importance of relying on this instrument can be traced back to the **UNTOC General Assembly Resolution (2000)**, which was signed, approved, accepted, accessed, or ratified by all of the State Parties involved in Project ECOFIT, and the **Convention on Mutual Assistance in Criminal Matters** between the EU MSs, which was held in 2000 and ratified by all EU MSs, with the exception of Croatia and Greece. Other specifications over the use of controlled deliveries can be found in the **2006 PCC-SEE**, which was signed by Albania, Bosnia and Herzegovina, North Macedonia, Moldova, Montenegro and Serbia and by a handful of EU MSs (i.e. Slovenia, Romania, Hungary, Croatia, Bulgaria and Austria) (Table 41).

Table 41. Status of implementation of dispositions in relation to the use of controlled deliveries

Country	European dispositions	South-East Europe dispositions	International dispositions
	Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union	Police Cooperation Convention for Southeast Europe (PCC-SEE)	UNTOC Convention
AT	04/04/2005	24/05/2011	23/09/2004 Ratification
BE	25/05/2005		11/08/2004 Ratification
BG	08/11/2007	25/09/2008	05/12/2001 Ratification
HR		15/02/2019	24/01/2003 Ratification
CY	03/11/2005		22/04/2003 Ratification
CZ	14/03/2006		24/09/2013 Ratification
DK	24/12/2002		30/09/2003 Ratification
EE	28/07/2004		10/02/2003 Ratification
FI	27/02/2004		10/02/2004 Ratification
FR	10/05/2005		29/10/2002 Ratification
DE	04/11/2005		14/06/2006 Ratification
EL			11/01/2011 Ratification
HU	25/08/2005	06/07/2012	22/12/2006 Ratification
IE	25/05/2020		17/06/2010 Ratification
IT	23/11/2017		02/08/2006 Ratification
LV	14/06/2004		07/12/2001 Ratification
LT	28/05/2004		09/05/2002 Ratification
LU	06/12/2010		12/05/2008 Ratification
MT	04/04/2008		24/09/2003 Ratification

NL	02/04/2004		26/05/2004 Ratification
PO	28/07/2005		12/11/2001 Ratification
PT	05/11/2001		10/05/2004 Ratification
RO	08/11/2007	02/07/2007	04/12/2002 Ratification
SK	03/07/2006		03/12/2003 Ratification
SI	28/05/2005	14/12/2012	21/05/2004 Ratification
ES	27/01/2003		01/03/2002 Ratification
SE	07/07/2005		30/04/2004 Ratification
UK	22/09/2005		09/02/2006 Ratification
NO			23/09/2003 Ratification
CH			27/10/2006 Ratification
AL		11/09/2006	21/08/2002 Ratification
BA		11/04/2007	24/04/2002 Ratification
MD		07/02/2008	16/09/2005 Ratification
ME		26/12/2007	23/10/2006 Succession
MK		01/06/2007	12/01/2005 Ratification
RS		23/07/2007	06/09/2001 Ratification
TR			25/03/2003 Ratification

Source: Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union ratification status: European Council and Council of the European Union n.d.; Police Cooperation Convention for Southeast Europe (PCC-SEE) ratification status: PCC SEE n.d.; UNTOC Convention ratification status: 'United Nations Treaty Collection' 2020a. Information retrieved in October 2020.

Notwithstanding the provisions in these documents, both the implementation and use of controlled delivery procedures are not without their problems. In the **Evaluation of the 2015-2019 Action Plan on firearms trafficking between the EU and the south-east Europe region**, the European Commission reports that:

The operational cooperation between EU and Western Balkans allowed identifying several weaknesses in criminal procedures of each country in both regions: special investigative techniques differ widely across countries and controlled deliveries are limited by a general reluctance to authorise those operations in the transit countries (European Commission 2019, 11).

It is therefore made clear by the Commission that one of the major obstacles to operational instruments that requires international cooperation pertains to the differences in legislation across MSs (European Commission 2019).

Operational implementation

To investigate in greater detail the actual use of controlled deliveries in relation to firearms trafficking, detailed information was retrieved through the survey delivered to key national stakeholders from the EU MSs, the UK, Switzerland, Norway and non-EU SELEC countries.¹⁸ All of the 26 countries that answered the section, with the exception of Greece that answered “I do not know”, have implemented national legislation that allows controlled deliveries in the case of firearms trafficking—albeit with some restrictions. As shown in Figure 21, two countries—Malta and Switzerland—only allow cross-border controlled deliveries, but not shipments inside the country. On the contrary, Norway only allows internal controlled deliveries.

Given the practicalities described above, the respondents noted very few controlled deliveries of illicit firearms. Indeed, for most of the respondents, the number of controlled deliveries carried out between January 2018 to December 2019 is unknown, for the

simple reason that they do not collect this kind of information in a systematic way, while those who did cite cases could only speak of a few examples. Nine out of the 24 countries which allow cross-border controlled deliveries of illicit firearms (all with the exception of Greece and Norway) pointed out that they did not carry out controlled deliveries during the period under consideration, because this specific instrument was not necessary despite firearms trafficking being a problem in the country. Two countries—France and Hungary—highlighted some safety concerns surrounding the use of this instrument. In most countries, the instrument has been deemed to be unnecessary (reported six times). France also stressed that controlled deliveries are not allowed for bureaucracy and for the internal policy of LEAs.

Controlled deliveries are only allowed if specific circumstances occur. According to the results shown in Figure 22, being able to keep the consignment under constant surveillance is of critical importance, preferably via physical surveillance by a police team according to 75% of the respondents. 63% of the respondents pointed out the need to carry out technical surveillance of the consignment by, for example, the use of a locator beacon. It is important to note here that the level of guarantees that must be in place are dependent on the individual case. Controlled deliveries are somewhat easier to organise if the country itself is the ultimate destination for the weapons (which was the case for 58% of the countries), or when it is only used as a transit (as was the case for 54% of the countries). The responding countries noted that they are more reluctant to do so when the shipment is either destined for another EU MS or when it concerns a third country (46%, i.e. 11 countries out of 24). The possibility of using undercover agents was reported as being needed by 54% of the countries. For 46% of the countries, the consignment must concern a postal package that is either being transported by a delivery service or a smuggler. Scenarios in which the weapons are replaced with non-lethal goods was pointed out by 38% of the respondents. Austria stressed that one important condition for allowing controlled deliveries of firearms is the guarantee that they will have access to both the suspects and the goods at all times in all of the states involved.

18. It must be noted that the information provided in the survey might differ from the actual status of implementation of the provisions, as a result of either clerical errors or misinformation from the respondents.

Figure 21. Controlled deliveries of intercepted shipments of illicit firearms

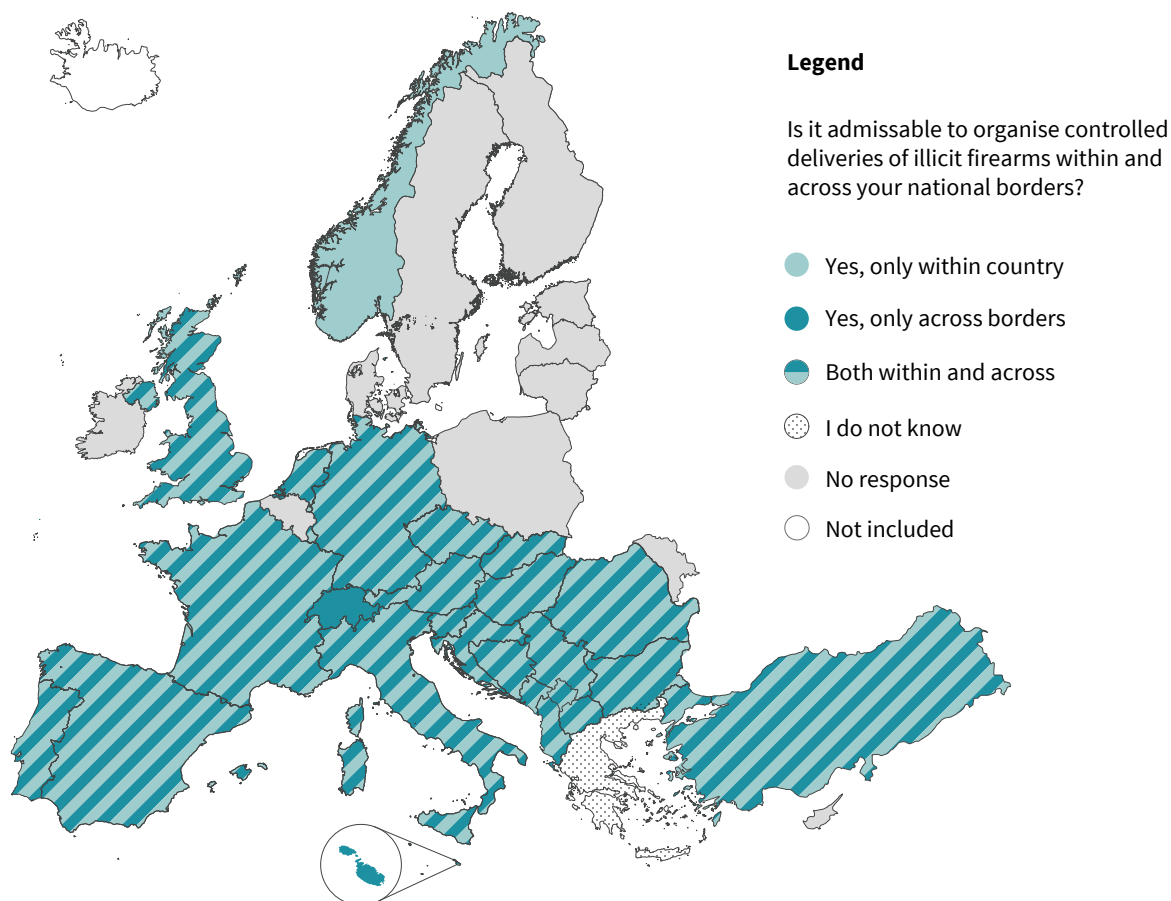
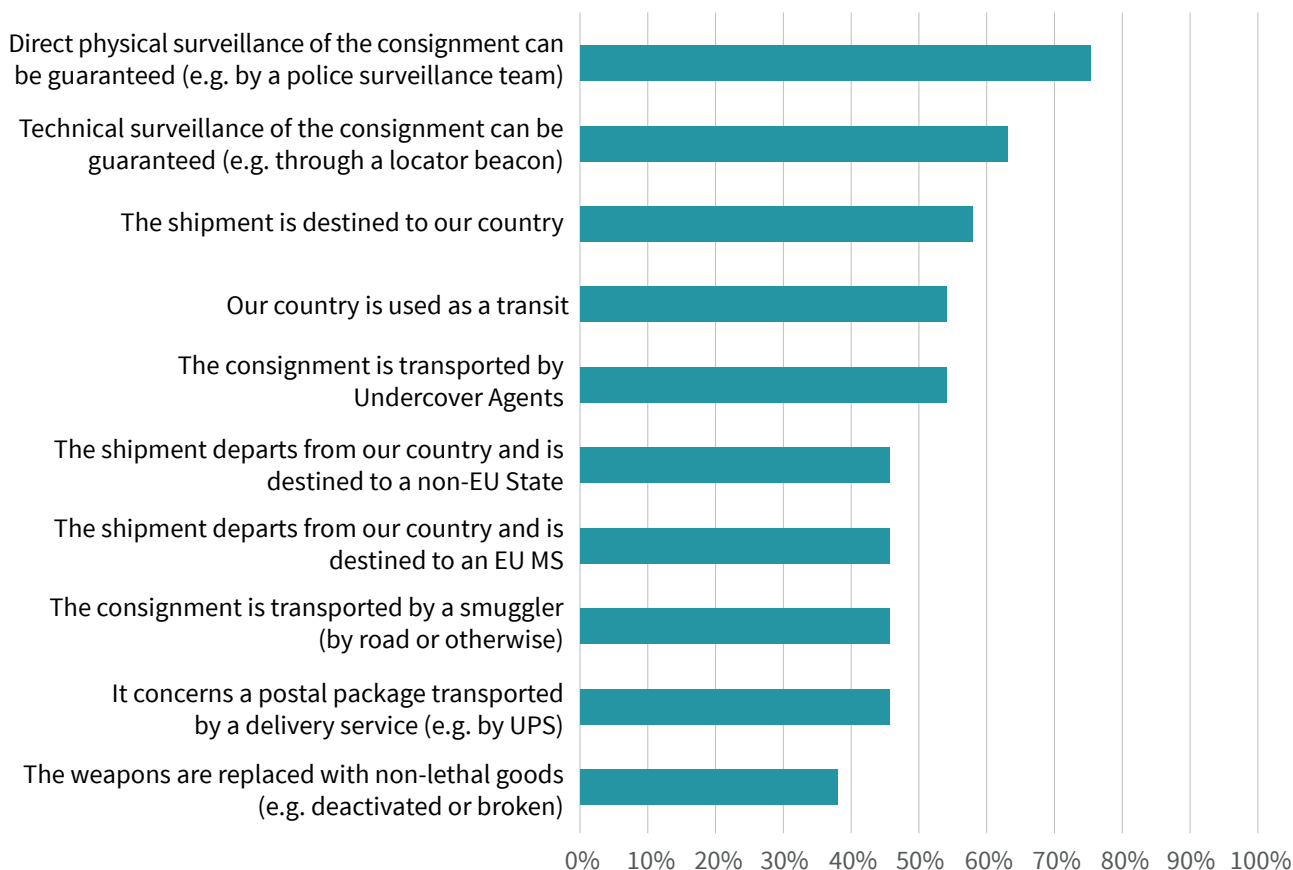


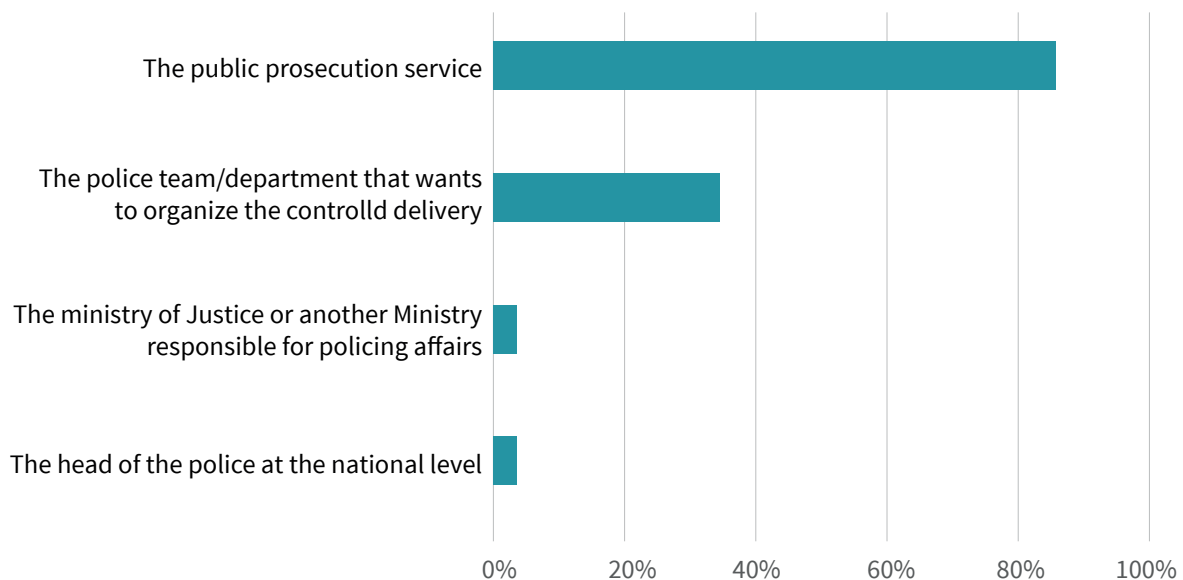
Figure 22. Relevant circumstances for controlled deliveries of illicit firearms



Different authorities have the power to decide if a controlled delivery of illicit firearms is permitted. As shown in Figure 23, the instrument of controlled delivery is a special investigative technique, one which in most legal systems requires approval by the public prosecution service, as indicated by 87% of the respondents (20 out of 23, with the exception of Malta, Portugal and the UK). 35% of the responding countries (8 out of 23) mentioned that the Police team or department that wishes to organise the controlled delivery may decide

independently. Only one country—Italy—stressed the involvement of the head of the police at the national level, besides other authorities (4% of the total). Another country—Spain—highlighted the role of the Ministry of Justice or another Ministry responsible for policing affairs (4% of the total). Here, too, decision-making power was heavily dependent upon the case itself, and there would typically be consultation between the different actors involved, also concerning practical issues, such as the availability of surveillance teams.

Figure 23. Response to the question: “Who decides whether a cross-border controlled delivery of illicit firearms is permitted?”



Gap analysis

Normative gaps

The **2020-2025 EU Action Plan on firearms trafficking** states that firearms trafficking is unevenly criminalised, and, moreover, that the existence of different approaches amongst MSs prevents the effective realisation of cross-border operations, such as controlled deliveries. In this regard, the Priority 3: Increase pressure on criminal markets of the Action Plan affirms that:

The Commission will examine the feasibility of enabling rules of police cooperation to ensure more systematic tracing of seized weapons, to exchange intelligence outside of specific investigations, share ballistic data more easily and systematically, or carry out controlled deliveries (European Commission 2020b, 11).

The Commission identified the establishment and strengthening of cross-border cooperation amongst MSs as a fundamental step through which to prevent and fight illicit firearms manufacturing and trafficking (European Commission 2020b).

The usage of controlled deliveries is mentioned and regulated by the **UNTOC General Assembly Resolution (2000)**, the **Convention on Mutual Assistance in Criminal Matters** and the **2006 PCC-SEE**. All of the countries that participated in Project ECOFIT have ratified the General Assembly Resolution following the UNTOC Convention held in 2000; conversely, the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union has not been ratified by Croatia and Greece, while the PCC-SEE has been ratified by all non-EU SELEC countries, with the exception of Turkey and a handful of EU MSs (Table 41).

Most State Parties involved in Project ECOFIT have ratified the above-mentioned provisions, resulting in them being compliant with existent legislation, with the exception of **Croatia, Greece and Turkey** (Table 41). This is also confirmed by the fact that all EU MSs and non-EU SELEC countries, with the exception of Greece, declared in the survey that they have implemented national legislation which allows for controlled deliveries in the case of firearms trafficking. However, despite most countries formally complying with legal provisions, there remains minor discrepancies in terms of the ways in which State Parties have set up the operational aspects of controlled deliveries.

Operational gaps

While **controlled deliveries are allowed in all of the responding countries**,¹⁹ several posed some operational restrictions over the instrument. For example, **Switzerland only allows cross-border** controlled de-

liveries when both the countries accept this kind of delivery, while **Norway** allows LEAs to organise controlled deliveries **only within their national borders**. Despite these minor differences, European countries are relatively consistent in terms of this instrument's usage.

The vast **majority** of responding countries grant the **public prosecution services**—either exclusively (in most cases) or to be shared with other authorities—the **power to allow and set up controlled deliveries**, thus leading to a rather consistent operational environment (Table 42). In fact, only in several cases—Malta, Portugal, and the UK—does the Police department that wants to organise the controlled deliveries have sole authority over decision-making. This **homogeneity may make it easier for countries to set up controlled deliveries**, insofar as the institutions that need to interface are similar across States.

The existing rules, however, do not prescribe operational details, thus resulting in gaps between countries. In fact, **the circumstances under which a controlled delivery is allowed vary significantly across States** (Table 42). The criteria are quite stringent in Hungary, Portugal, and Switzerland, where controlled deliveries are only permitted if a handful of circumstances are met. On the contrary, most countries allow for the instrument to be used in a vast array of conditions. The most commonly cited condition is **direct physical surveillance**, which ensures complete oversight of the consignment, whereas the deactivation of firearms in order to transform them into non-lethal goods is a condition for half of the respondents. These **operational gaps may render the instrument difficult to use in cross-country investigations**, insofar as the different parties may require different criteria to be met in order to provide LEAs with the necessary authorisation.

19. Respondents from Greece answered “I do not know” when asked about whether it was admissible to organise controlled deliveries of firearms and left all remaining questions regarding the instrument blank. It must be noted that the information provided by the respondents in the survey may be imprecise or incorrect, due to either clerical errors or misinformation from the respondents, which potentially causes internal inconsistencies.

Table 42. Authorities with decision-making power over controlled deliveries

Country	Police department	Head of national Police	Public prosecution	Ministry (e.g. Justice)
AL				
AT				
BA				
BG				
HR				
CZ				
FR				
DE				
HU				
IT				
LU				
MT				
NL				
MK				
PT				
RO				
RS				
SK				
SI				
ES				
CH				
TR				
UK				

* Bosnia and Herzegovina replied that a controlled delivery “shall be ordered by the preliminary proceedings judge”.

Note: Light blue cells=authorities with decision-making power, dark blue cells=authorities with no decision-making power.

2. Policy objectives and intervention logic

The following scheme (Table 43) summarises the process leading up to both the definition of the policy objectives and the intervention logic of the fifth operational instrument included in the analysis, i.e. controlled delivery procedures. The identification of the

main gaps allowed for the determination of how the current situation could be improved, by defining the general, specific, operational, and strategic objectives. The achievement of these objectives leads to specific outcomes and results.

Table 43. Intervention logic of controlled deliveries

Main gaps	General objective	Specific objectives	Operational and strategic objectives	Outcomes	Results
Different circumstances under which controlled deliveries are allowed	The Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences (Art. 87.1 Treaty on the Functioning of the European Union)	Take the necessary measures to allow for the appropriate use of controlled delivery within the possibilities and under the conditions prescribed by domestic laws (Art. 20 UNTOC Convention)	OPERATIONAL: Simplify the process for setting up a controlled delivery operation	<ul style="list-style-type: none"> - EU MSs and other countries beyond the EU to use controlled deliveries when necessary - EU MSs and other countries beyond the EU to harmonise the circumstances under which the use of controlled deliveries is allowed 	<ul style="list-style-type: none"> - Better exchange of information between LEAs - Improved coordination and cooperation between LEAs - Increased knowledge on <i>modi operandi</i>, tactics, new trends
Activities that are very risky require time, effort, skilled personnel and cooperation with other states			STRATEGIC: Harmonise the circumstances under which a controlled delivery is allowed to promote its use		
Impediments to police cooperation in criminal procedures					

3. Policy options

With respect to the operational instrument of controlled delivery procedures, four policy options were identified:

- **No action (status quo):** Article 87.1 of the TFEU and Article 20 of the UNTOC Convention continue to be the reference point for controlled delivery procedures. Neither new legislative nor non-legislative actions need to be implemented. Under this option, it is suggested that the articles, and the manner in which they are currently implemented, should remain the same. This means that the status of implementation of legislative and soft-laws measures should remain unaltered with respect to the situation portrayed in the Gap analysis section.
- **Non-legislative action:** the development and introduction of new education and information activities for both LEAs personnel involved in the performance of controlled deliveries and the prosecutors who are in charge of authorising them are required. More specifically, additional **training sessions**, besides those already provided by CE-POL,²⁰ should be organised and delivered to both LEAs officials and prosecutors with the express aim of both spreading best practices on how to set up and carry out controlled deliveries (e.g. involving parcel companies and customs services into operations to have further support, etc.) and educating them in the benefits and risks associated with controlled deliveries. In addition, this op-

20. For example, the firearms online module available at: <https://www.cepola.europa.eu/media/news/updated-firearms-online-module-available-self-paced-learning>

tion should also include the development of new **guidelines**, which could be used in tandem with existing ones, to define the common circumstances under which controlled deliveries are permitted, in order to aid LEAs officials and prosecutors' decision-making and tasks.

- **Legislative action:** this would involve the introduction or modification of an article in the in force UNTOC Convention, or the introduction of an article in other existing legislative instruments (e.g. Directives), with the purpose of providing State Parties with more specific details about the set-up requirements and procedure.
- **Combination of legislative and non-legislative action:** this would involve the introduction of some elements foreseen in the non-legislative action combined with some elements from the legislative action. For example, it could consist of introducing a new legislative act providing specific information about the set-up procedures to be followed, combined with the provision of guidelines and training sessions aimed towards better aligning the newly introduced legislative provision.

The tables below report the possible impacts that the identified policy options might cause, in addition to an array of indicators together with the data source used to monitor these impacts. Most data on illicit firearms are not publicly available, but rather are data that are internally collected by LEAs. In some cases, some sources about more general data (i.e. not specifically dealing with illicit firearms) are reported to both give an idea of publicly available data and to suggest the types of data that can be collected. The impacts are distinguished between costs and benefits. Each of these can be identified as a **direct cost/benefit** if the impact is a direct consequence of the implementation of a policy option; on the contrary, it can be identified as an **indirect cost/benefit** if the impact is a second-order consequence, which means that it is not caused directly by the implementation of the policy option, but rather by one of its direct impacts (European Commission 2017). More specifically, Table 44 presents the possible economic impacts, Table 45 displays the possible social impacts, Table 46 depicts the possible environmental impacts, while Table 47 shows the possible impacts on fundamental human rights.

4. Analysis of the impacts

4.1 Identification of the impacts

The present impact assessment aims at identifying which of the envisaged policy options results in the most optimal solution to realising the appointed policy objectives in relation to the operational instrument of controlled delivery procedures.

As highlighted in the Methodology section, the first step in analysing the impacts is to accurately determine **all the foreseeable impacts** that each policy option might have on the current situation in relation to the baseline scenario regarding controlled delivery procedures.

Table 44. Controlled delivery procedures: Economic impacts

Cost/ Benefit	Direct/ Indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increase in law enforcement expenditure	<ul style="list-style-type: none"> • Number of members of law enforcement (police, prosecution, and court) involved in combating firearms trafficking • Expenditure for law enforcement personnel involved in combating firearms trafficking 	Eurostat crime and criminal justice UNODC Criminal Justice System – Police UNODC Criminal Justice System – Prosecution UNODC Criminal Justice System – Court LEAs internal data
		Increase in expenditure for LEAs training on the advantages of controlled deliveries	<ul style="list-style-type: none"> • Expenditure for LEAs training • Number of hours of training for LEAs personnel 	LEAs internal data
	Indirect	Increase in the total expenditure for controlled deliveries	<ul style="list-style-type: none"> • Number of controlled deliveries performed • Expenditure for controlled deliveries 	LEAs internal data ECOFIT Survey: Questions 5.5, 5.6
		Increase in the time and bureaucracy for organising controlled deliveries	<ul style="list-style-type: none"> • Number of authorisations given to perform controlled deliveries • Number of controlled deliveries performed 	LEAs internal data ECOFIT Survey: Questions 5.5, 5.6
		Increase in the cost of judicial and prosecution procedures	<ul style="list-style-type: none"> • Number of controlled deliveries performed • Number of judicial prosecution procedures related to controlled deliveries • Expenditure for judicial and prosecution procedures related to controlled deliveries 	UNODC Criminal Justice Personnel LEAs internal data ECOFIT Survey: Questions 5.5, 5.6
		Expenditure for training manuals and materials	<ul style="list-style-type: none"> • Expenditure for LEAs training materials 	LEAs internal data

Benefits	Direct	Increased efficiency in the fight against firearms trafficking through operational cooperation	<ul style="list-style-type: none"> • Number of investigations related to firearms trafficking • Number of convictions related to firearms trafficking • Number of illicit firearms seized • Number of homicides committed with illegally acquired firearms • Intelligence information received from cooperating LEAs 	LEAs internal data UNDOC IAFQ UNDOC Arms seized by type GunPolicy.org facts and figures UNODC Global Study on Homicide (2019) UNODC Homicide Statistics 2013 The Economic, Financial, Social Impacts of OC in the EU FIRE Project Armed Violence Monitoring Platform
	Indirect	Decrease in the profitability of organised crime (especially additional sources of funding)	• Estimates of organised crime profits	Existing organised crime group statistics
		Increased revenues for firearms manufacturers	• Firearms manufacturers revenues	Eurona 2018/2 Orbis by Bureau van Dijk Manufacturers' internal data

Table 45. Controlled delivery procedures: Social impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Decrease in citizens' social security	<ul style="list-style-type: none"> • Number of controlled deliveries performed • Circumstances under which cross-border controlled deliveries are permitted 	Flash Eurobarometer 383 LEAs internal data ECOFIT Survey: Questions 5.3, 5.5, 5.6
	Indirect	N/A	N/A	N/A
Benefits	Direct	N/A	N/A	N/A
	Indirect	Increase in the quality of local institutions and LEAs in tackling firearms trafficking	<ul style="list-style-type: none"> • Perceptions of LEAs personnel concerning their effectiveness at tackling firearms trafficking • Number of seized firearms • Citizens' perceptions of LEAs effectiveness in tackling firearms trafficking 	Flash Eurobarometer 383 UNDOC Arms seized by type LEAs internal data LexisNexis WorldCompliance data (Box 3)
		Reduction in homicides and other violent crimes related to illicit trafficked firearms	<ul style="list-style-type: none"> • Number of homicides committed with illicit trafficked firearms • Number of violent crimes committed with illicit trafficked firearms 	LEAs internal data GunPolicy.org facts and figures UNODC Global Study on Homicide (2019) UNODC Homicide Statistics 2013 The Economic, Financial, Social Impacts of OC in the EU FIRE Project Armed Violence Monitoring Platform LexisNexis WorldCompliance data (Box 4)
		Increase in the convictions for firearms trafficking offences	<ul style="list-style-type: none"> • Number of convictions related to firearms trafficking offences 	Existing statistics on judicial data LexisNexis WorldCompliance data (Box 5)
		Possible disruption of other illicit activities of organised crime groups supported by firearms trafficking (e.g. human and drug trafficking)	<ul style="list-style-type: none"> • Number of active organised crime groups • Number of criminal offences committed by organised crime groups 	Existing organised crime groups statistics

Table 46. Controlled delivery procedures: Environmental impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	Increase in the pollution due to more LEAs personnel travelling	• Number of km covered by LEAs personnel during their travelling	LEAs internal data
	Indirect	N/A	N/A	N/A
Benefits	Direct	N/A	N/A	N/A
	Indirect	N/A	N/A	N/A

Table 47. Controlled delivery procedures: Fundamental human rights impacts

Cost/ benefit	Direct/ indirect	Specific impact	Indicators of specific impact	Data source
Costs	Direct	N/A	N/A	N/A
	Indirect	Right to life	• Number of deaths during controlled deliveries operations	LEAs internal data
Benefits	Direct	N/A	N/A	N/A
	Indirect	Right to life	• Number of homicides committed with illicit trafficked firearms	LEAs internal data GunPolicy.org facts and figures UNODC Global Study on Homicide (2019) UNODC Homicide Statistics 2013 The Economic, Financial, Social Impacts of OC in the EU FIRE Project Armed Violence Monitoring Platform

With regard to the operational instrument related to controlled delivery procedures, the first point to note is that not all of the areas examined are comparable in terms of the potential impacts they generate. Considering both the specific topic of interest of this impact assessment and the changes foreseen by the implementation of the policy options taken into consideration, **economic and social impacts** proved to be the most relevant, whereas only few environmental and fundamental human rights impacts were identified.

In relation to **economic impacts**, the majority of the costs incurred by the implementation of the policy options pertain to:

- Expenses associated with hiring additional law enforcement personnel who are specifically in charge of carrying out controlled delivery procedures;
- Related expenditures for training law enforcement personnel in the new tasks to be performed;
- Expenses related to the additional number of controlled delivery procedures performed;
- Related expenditures for the bureaucratic and judicial procedures needed to both allow and manage controlled deliveries.

These costs would be balanced out by the improved efficiency of LEAs cooperation in relation to tackling firearms trafficking, which, in turn, would potentially reduce the profits of organised crime and other transnational crimes.

In relation to **social impacts**, some indirect benefits were identified. Specifically, carrying out a greater number of controlled deliveries would:

- Enhance LEAs cooperation amongst EU MSs;
- Improve citizens' perceived sense of security;
- Increase the quality of local institutions and LEAs;
- Enhance LEAS ability to more efficiently tackle the phenomenon of firearms trafficking.

These benefits could possibly be balanced out by a heightened sense of insecurity amongst citizens, insofar as a number of firearms as well as their parts, components and ammunition would be allowed to circulate in EU territories during controlled deliveries, thus generating security risks in the event of problems or failures of controlled delivery procedures. However, according to best practices, prior to performing controlled deliveries, the authentic firearms should be substituted for either fictional or deactivated firearms, which would serve to reduce the actual level of risk to citizens.

In relation to **environmental impacts**, no significant costs nor benefits were identified.

Focusing on **fundamental human rights impacts**, the costs and benefits are balanced. On the one hand, citizens might be more at risk, in that they would be living in an environment in which a greater number of firearms circulate illegally. On the other hand, when controlled delivery procedures are successful, citizens would benefit from the opportunity to live in a safer environment, where less firearms circulate illegally.

4.2 Evaluation of the impacts

After having accurately determined the potentially relevant impacts, the second step is to actually **evaluate the relevance of these impacts** in relation to both the defined policy objectives and the related policy options.

Table 48 shows the results of this evaluation. The impacts are measured as **positive, balanced, negative, or non-existent** (the following code is used in Table 48: Positive = P; Balanced = B; Negative = N; Non-Existent = 0).

The results of the analysis allow for the **comparison of different policy options** and the selection of the **preferred one** in relation to each policy objective (general, specific, operational, and strategic).

Table 48. Impact of different policy options on policy objectives in relation to controlled delivery procedures

Policy Objectives		Policy options															
		No action (status quo)				Non-legislative action				Legislative action				Combination of legislative and non-legislative action			
		Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights	Economic	Social	Environmental	Fundamental rights
General	Art. 87.1 TFEU The Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences.	0	0	0	0	N	N	N	N	N	N	N	N	N	N	N	N
Specific	Art. 20 UNTOC Convention [...] Each State Party shall, within its possibilities and under the conditions prescribed by its domestic law, take the necessary measures to allow for the appropriate use of controlled delivery [...]	0	0	0	0	N	P	0	B	N	P	0	B	N	P	0	B
Operational	Simplify the process for setting up a controlled delivery operation.	0	0	0	0	N	P	0	B	N	P	0	B	N	P	0	B
Strategic	Harmonise the circumstances under which a controlled delivery is allowed to promote its use.	0	0	0	0	B	P	0	B	N	P	0	B	N	P	0	B

4.3 Results

According to the analysis, the best policy option regarding the **general objective** in relation to controlled delivery procedures is the **no action** policy option. Article 87.1 of the TFEU (European Union 2012) aims at establishing police cooperation in both the prevention and investigation of criminal offences; however, the present objective, which both encompasses a very broad subject matter and has been pursued for a long time, can already be considered to be sufficiently achieved. In addition, considering the available policy options that were developed specifically for the issue of firearms trafficking, none of them are capable of furthering the actual status of fulfilling the objective, particularly when one considers the likelihood of consistently investing in resources. This results in all the policy options generating negative economic, social, environmental, and fundamental human rights impacts, with the exception of the no action one that produces no impact.

Rather, both the **specific policy objective** in relation to controlled deliveries, as defined by Article 20 of the UNTOC Convention (United Nations 2000), and the **operational policy objective** would be better achieved with the “**no action**” policy option. This would generate no impacts in contrast to the other policy options that would generate some negative impacts and minimal positive impacts, which are not directly related to the aim of the policy objectives. With regard to the **strategic policy objective**, this could be better achieved by **non-legislative action**, which would yield balanced economic and fundamental human rights impacts, and positive social impacts, with no significant environmental impacts.

Focusing on both the specific objective (i.e. aiming at allowing for the possibility of using controlled delivery procedures when the investigation demands for it), and operational objective (i.e. aiming at streamlining the process for setting up controlled delivery operations), the best policy option is to not implement new policies, but rather to leave the baseline scenario unaltered. This option would not affect the current scenario, insofar as it would register **no economic, social, environmental, and fundamental human rights im-**

pacts. However, it proved to be the best option since all the other alternatives would produce some negative impacts, without producing any clear and substantial benefits in return. Indeed, as noted by the stakeholders and experts who were consulted during the workshop held as part of Project ECOFIT, controlled delivery procedures are already allowed in most countries, while the related setting up procedures are not deemed to be particularly complicated. Stakeholders and experts highlighted that the principal obstacle to carrying out a higher number of controlled deliveries is the fact that these operations carry significant safety risks; for this reason, prosecutors are generally reluctant to give permission for them to be used, and, hence, their use is extremely limited. Therefore, it does not appear to be necessary to undertake specific actions, in light of the fact that the baseline scenario is unlikely to change due to legitimate safety concerns.

With respect to the strategic objective, non-legislative action thus proved to be the best policy option. It provides LEAs with guidelines, training and education into the benefits and risks associated with controlled delivery procedures. Given that the aim of the strategic objective is to harmonise the circumstances under which controlled deliveries are permitted to promote its use, the non-legislative policy option is thus the most appropriate. More specifically, this option generates **balanced economic impacts**, insofar as it requires significant economic expenditure to provide high-level education and training to LEAs officials who are potentially involved in controlled delivery procedures, although this would be balanced out in the long-term by a potential increase in the use of controlled deliveries, and a subsequent improvement in the efficiency of procedures that would allow for the better tackling of firearms trafficking as well as reducing resources and time. This option would also yield **positive social impacts** due to the enhanced abilities to tackle firearms trafficking and its attendant consequences. Finally, **balanced fundamental human rights impacts** are registered. The benefit of this policy option is that it would potentially increase the right to life for all citizens who would have the opportunity to live in a safer environment, where less firearms circulate illegally. However, one important drawback in terms of

costs also needs to be reported. As aforementioned, controlled deliveries raise significant safety concerns that, in the worst-case scenario, might lead to some casualties and even fatalities, which would constitute an infringement of the fundamental human right to life of innocent citizens.

5. Monitoring the impacts of the selected policy option

The process performed up until now has allowed for both the identification and evaluation of all of the impacts that these different policy options might have across a wide array of domains (i.e. economic, social, environmental, and fundamental human rights impacts), and to define what the best policy options are, with respect to maximising the benefits and keeping the costs to a minimum, while accomplishing the established policy objectives.

Once it is determined which of the policy options are the best, and once the selected policy options are implemented, it is of fundamental importance to **mon-**

itor the actual impacts produced by the options. In fact, although a vast selection of possible impacts have already been identified and evaluated in the pre-implementation stage, it is also necessary to verify if the *ex-ante* impact assessment corresponds to reality. An **ex-post evaluation** would allow for an understanding of whether the selected policy options are actually enabling the possibility of fulfilling the desired policy objectives, while, simultaneously, producing the expected impacts (European Commission 2017).

To carry out the *ex-post* evaluation, the trends of a specific set of impact indicators can be of help. These indicators allow for the effective monitoring of the impacts of the policy options implemented. Table 49 below presents a list of the impact indicators, differentiated by economic, social, environmental and fundamental human rights, used in the *ex-post* evaluation concerning the operational instrument related to controlled delivery procedures. Some of the indicators in Table 49 were specifically developed within the scope of the present impact assessment, while others were taken from the **KPIs provided in Annex 4 of the 2020-2025 EU Action Plan on firearms trafficking** issued by the European Commission (European Commission 2020a).

Table 49. Indicators used to monitor the impacts in the ex-post evaluation related to controlled delivery procedures

Economic impacts	
<i>Indicator</i>	<i>Source*</i>
Number of members of law enforcement involved in combating firearms trafficking	Eurostat crime and criminal justice; UNODC Criminal Justice System; LEAs internal data
Expenditure for law enforcement personnel involved in combating firearms trafficking	Eurostat crime and criminal justice; UNODC Criminal Justice System; LEAs internal data
Expenditure for LEAs training	LEAs internal data
Number of hours of training for LEAs personnel	LEAs internal data
Number of controlled deliveries performed	LEAs internal data
Expenditure for controlled deliveries	LEAs internal data
Number of authorisations given to perform controlled deliveries	LEAs internal data
Number of judicial prosecution procedures related to controlled deliveries	UNODC Criminal Justice System; LEAs internal data
Expenditure for judicial and prosecution procedures related to controlled deliveries	UNODC Criminal Justice System; LEAs internal data

Expenditure for LEAs training materials	LEAs internal data
Number of investigations related to firearms trafficking	LEAs internal data
Number of convictions related to firearms trafficking	Internal data about judicial statistics
Number of illicit firearms seized	LEAs internal data; UNODC IAFQ
Number of homicides committed with illegally acquired firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Estimates organised crime profits	UNODC Estimates of illicit financial flows; The Economic, Financial, Social Impacts of OC in the EU; existing organised crime group statistics
Firearms manufacturers revenues	Eurona 2018/2; Orbis by Bureau van Dijk; Manufacturers' internal data
Social impacts	
<i>Indicator</i>	<i>Source*</i>
Number of controlled deliveries performed	LEAs internal data
LEAs perceived quality of the effectiveness in tackling firearms trafficking	LEAs internal data
Citizens' perceptions of LEAs effectiveness in tackling firearms trafficking	Eurobarometer
Percentage of citizens that are satisfied (disaggregated by age and gender) or feel safe regarding armed violence (KPI 14, European Commission 2020a)	Eurobarometer
Percentage of citizens feeling threatened by the illegal possession and misuse of weapons (KPI 14.1, European Commission 2020a)	Eurobarometer
Number of firearms, ammunition, explosives seized inland and at the external border (KPI 4, European Commission 2020a)	LEAs Internal data; UNODC IAFQ
Number of homicides committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of violent crimes committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data
Number of convictions related to firearms trafficking offences	Internal data about judicial statistics
Number of active organised crime groups	Organised crime national statistics
Number of criminal offences committed by organised crime group	Organised crime national statistics

Environmental impacts	
Indicator	Source*
Number of km covered by LEAs personnel during their travelling	LEAs internal data
Fundamental human rights impacts	
Indicator	Source*
Number of deaths that occurred during controlled delivery operations	LEAs internal data
Number of persons murdered/injured/who committed suicide with firearms (KPIs 10.2, 10.3, 10.4, European Commission 2020a)	LEAs internal data
Number of homicides committed with illicit trafficked firearms	GunPolicy.org facts and figures; UNODC Global Study on Homicide; UNODC Homicide Statistics; The Economic, Financial, Social Impacts of OC in the EU; Armed Violence Monitoring Platform; LEAs internal data

**Sources are indicative. They have been reported to both give an idea of publicly available data and to suggest the types of data that can be collected. New and updated sources could become available in the near future.*

6. Recommendations for the EU and guidelines for LEAs*

6.1 Recommendations for the EU

As was the case with joint criminal investigations, the legal framework for setting up controlled deliveries is available to all MSs and to third countries as far as these have adopted the UNTOC Convention. The results of the impact assessment suggest that **no action** is needed to fulfil the specific objective underlined in this Convention (i.e. take the necessary measures to allow for the appropriate use of controlled deliveries within the possibilities and under the conditions prescribed by domestic laws). **No action** is necessary to also achieve the operational objective (i.e. simplify the process for setting up controlled delivery operations), insofar as the main obstacle to carrying out a greater number of controlled deliveries in firearms trafficking cases pertains to safety risks, as opposed to the pro-

cess required to set up this operational instrument. The associated risks lead prosecutors to be reluctant to use controlled deliveries, and, hence, their use is kept to a minimum.

The results suggest that the **non-legislative action** is the best policy option for realising the strategic objective, i.e. harmonise the circumstances under which controlled deliveries are permitted to promote its use.

The main **recommendations for the EU** that derive from the results of the impact assessment are as follows:

- Promote **awareness campaigns** and additional **training to LEAs officials and prosecutors** at the national and international level with the express aim of both spreading best practices concerning

* The content of this paragraph has been redacted with the contribution of Prof. Toine Spapens (Tilburg University)

how to set up and perform controlled deliveries (e.g. involving parcel companies and customs service in operations to have further support, etc.) and educating them in the benefits and risks associated with controlled deliveries. The recommendation is also to facilitate training and the sharing of best practices amongst prosecutors who are responsible for formulating the requirements for controlled delivery operations in general, and specifically in the context of firearms trafficking. As aforementioned, such training should be combined with addressing other relevant topics.

- **Disseminate concrete cases** in which controlled deliveries have previously been applied in firearms trafficking investigations to specific stakeholders, such as investigative officials. These cases should be based on both successful and unsuccessful cases, so as to learn from best practices and common mistakes.

6.2 Guidelines for LEAs

Although legal provisions on controlled delivery procedures are available, practical considerations often constitute barriers to applying controlled deliveries within the context of firearms trafficking. One major constraint in this regard is the fact that it must be guaranteed under all circumstances that the firearms will be confiscated. Furthermore, the timely organisation of controlled deliveries requires both the availability of skilled personnel and speedy cooperation with counterparts abroad.

The main **guidelines for LEAs** to improve controlled delivery procedures on firearms are as follows:

- **Attend all of the training sessions** that are available on controlled delivery procedures.
- **Consult all of the guidelines manuals** that are available on how to best set up controlled deliveries of firearms.

- **Establish a good network of experts** who can be contacted in the event that a controlled delivery needs to be set up.
- **Advance cooperation amongst LEAs and the prosecutors** who are in charge of authorising controlled deliveries, both at the national and international level.
- **Advance cooperation amongst LEAs and parcel and postal operators** to ensure stricter oversight of shipments.

Conclusions

The illicit trafficking of firearms poses a severe threat to European security. This explains why the EU has paid notable attention to the topic and established numerous priorities to embolden both prevention and tackling of the phenomenon.

Project ECOFIT, which is strictly aligned with the **EM-PACT Firearms Priorities of the EU Policy Cycle**, the **2020-2025 EU Action Plan on firearms trafficking** (European Commission 2020b), and its annexed **Key Performance Indicators (KPIs)** (European Commission 2020a), analysed and identified areas of improvement in relation to operational cooperation in the fight against firearms trafficking. In fact, to better **prevent and tackle firearms trafficking**, strong cooperation amongst national and international LEAs is urgently needed, and, as such, the identification of where and how this cooperation can be strengthened is of critical importance.

To achieve these aims, Project ECOFIT conducted five impact assessments on **five operational instruments that were identified as potential areas of improvement** in LEAs firearms trafficking investigations, i.e. Mechanisms for data collection; Mechanisms for data sharing; NFPs; Joint criminal investigations; and Controlled delivery procedures. The impact assessments were conducted in adherence with the methodology presented in the Better Regulation “Toolbox” of the European Commission.

Beginning with the main **gaps** in the functioning of the operational instruments, the Project identified specific **policy objectives** to be achieved. An array of **policy options** were also established as potential means through which to concretely realise the desired policy objectives. The **evaluation of all the potential impacts** (i.e. economic, social, environmental, and fundamental human rights) allowed for the selection of the best policy options to be implemented for the purposes of achieving the policy objectives for each respective operational instrument.

The results of the impact assessments highlight that all the operational instruments considered can be improved, albeit slightly differently from one another, with respect to achieving the ultimate goal of enabling **better cooperation amongst LEAs and better investigation practices in the area of firearms trafficking.**

With respect to the **mechanisms for data collection and sharing**, both **legislative and non-legislative interventions** were found to be necessary for advancing current practices. The introduction of mandatory minimal requirements in relation to the types of data that need to be collected, the frequency of data sharing practices, and so on, can only be achieved via a reliance on legislative measures. However, the effectiveness of these measures are strongly related to the implementation of non-legislative measures to inculcate LEAs officials in best practices regarding data collection and data sharing procedures.

Similarly, in relation to **NFPs**, both **legislative and non-legislative interventions** need to be implemented to improve the current situation. To achieve the objective of establishing NFP units within all EU MSs that are responsible for dealing with a standard array of tasks, binding measures imposed via legislative action are necessary. However, also in this case, such legislative action needs to be accompanied by non-legislative actions (e.g. LEAs officials training, provisions of guidelines, education on best practices, etc.) in order to make the NFP units both work more effectively and more efficiently cooperate with units in other countries.

Conversely, a different situation altogether emerged with respect to the operational instruments of both **joint criminal investigations and controlled delivery procedures**. Specifically, it is more difficult to improve upon how these instruments are currently being used, and, indeed, sometimes it appeared that improvements were not actually required. For this reason, the policy objectives could be better achieved through

both the **no action policy option and non-legislative action**. The set-up procedures and requirements needed to perform these activities are sufficiently clear to and perceived as effective by LEAs operational officials; the reason why they are often unexploited is because it remains difficult to grasp the benefits that they yield. Ultimately, this means that only non-legislative measures, such as accurately educating officials in the advantages and drawbacks of these respective operational instruments, would facilitate a step forward in their usage.

Despite the fact that they were analysed separately, the five **operational instruments are strongly inter-related**, with the consequence of this being that any modification targeting an operational instrument will invariably have cascading effects upon other instruments (e.g. the quality of data sharing is strongly affected by how data is collected in the first place). While the interdependence of the instruments increases the complexity of the entire picture, this can actually be of added value for policymakers who are seeking to improve the efficiency of LEAs firearms trafficking investigations. In fact, the implementation of a singular policy option has the potential to yield beneficial effects across many fields.

This aspect has also been strongly stressed by EMPACT Firearms. In particular, **the effective establishment and functioning of NFPs in EU MSs has been identified as a milestone in improving firearms trafficking investigations**. Efficiently organised and properly trained NFP units can be of notable added value, in that it creates ample opportunities to strengthen multiple aspects of investigations. For instance, NFP units can act as *liaisons* between EU MSs, help in terms of promoting harmonised practices (e.g. in relation to data collection and sharing procedures) and encourage effective cooperation amongst LEAs officials in different countries.

Project ECOFIT advances extant knowledge in the field of firearms trafficking as well as providing crucial inputs through which to further progress both the prevention and tackling of this phenomenon. However, its impact could be expanded in several respects.

Project ECOFIT has provided an in-depth analysis of five operational instruments (i.e. Mechanisms for data collection; Mechanisms for data sharing; NFPs; Joint criminal investigations; and Controlled delivery procedures) to identify potential areas for improvement in terms of better cooperation between LEAs. These **operational instruments** were taken as **indicators of the current level of international cooperation**. The choice of these instruments was preceded by an accurate analysis of extant data and knowledge, thus minimising the risks that other prominent operational instruments were overlooked or not taken into consideration. However, focusing on a different set of operational instruments or enlarging the analysis to encompass more than five instruments may provide a slightly different or even more precise picture.

Furthermore, given that there is a relative dearth of data available in relation to firearms trafficking and attendant investigative procedures, **Project ECOFIT was forced to strongly rely on the data retrieved from the survey**. While this instrument allowed for the gathering of information of inestimable value, it is important to acknowledge that the situation depicted in the survey might differ from the actual status of implementation of the provisions, as a consequence of missing answers, clerical errors or misinformation from the respondents. The hope is that, due to the contribution of projects such as ECOFIT, more and more official data will be produced and made available for the purposes of academic research.

Finally, due to the aforementioned scarcity of available data, the five **impact assessments carried out in Project ECOFIT mainly relied on a qualitative analysis of the potential impacts** generated by the implementation of the identified policy options. In this respect, the option to also perform an extensive quantitative analysis of these impacts could also yield even more precise results with respect to quantifying the expected impacts.

Above all, Project ECOFIT has underscored the **importance of researching** the topic of how LEAs conduct their investigations and cooperate with one another when compelled to deal with **firearms trafficking**, be-

cause this allows for the **determination of potential areas for further improvements**. This leads to the awareness that further research remains extremely desirable. In particular, as also stressed by the 2020-2025 EU Action Plan on firearms trafficking (European Commission 2020b), it would be advisable to enhance the possibility of collecting and analysing even more specific data, insofar as this would further embolden ongoing efforts to prevent and tackle firearms trafficking, and, in turn, strengthen European security.

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