

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms of 2013

Véronique Mathieu Houillon, MEP, is the rapporteur for LIBE - Committee on Civil Liberties, Justice and Home Affairs – for this protocol. She claims in her recommendation A7-0359/2013¹, that illicit trafficking in firearms is a high risk for the internal security of the Member States and that this Protocol can prevent and combat illicit trafficking in firearms, without having an adverse effect on legal firearms users. Four Member States have not yet signed, or participated in, the Protocol: 18 EU Member States have signed the Protocol and 16 Member States are contracting parties. She therefore strongly recommends that it be ratified with these facts/reasons:

1. The rapporteur declared:

*Arms trafficking is one of the illegal activities that is **threatening the internal security** of the European Union and needs to be dealt with as a **matter of priority**.*

The public version of the SOCTA Review 2013² shows:

The illicit trade in firearms in the EU remains limited in size and is not a high priority threat.

OCGs (Organized Crime Groups) often rely on the availability of weapons to carry out their activities. However, the market for firearms in the EU remains modest in size. **Trafficking occurs on a small scale and the weapons trafficked are intended for either personal use or to meet specific orders.** The relatively high risks associated with weapons trafficking acts as a disincentive for OCGs.

The merging of or sustained contact between OCGs and terrorist groups is currently only a very **marginal phenomenon in the EU.**

2. The rapporteur declared:

*A threat notice on 'An integrated EU approach against the illegal trafficking in **heavy firearms**' and an early warning brief on 'The Kalashnikov, its illegal sourcing, trade and use in Europe'*

The public version of the SOCTA Review 2013 shows:

The data collected for the SOCTA 2013 **do not indicate an increase in the trafficking of heavy firearms.**

3. The rapporteur declared:

*The illicit trafficking in firearms, their parts and components and ammunition is also of benefit to criminal groups and terrorists, by providing them with another source of income and **multiplying their destructive potential**.*

The public version of the SOCTA Review 2013 shows:

OCGs are often associated with the use of violence, which has long been regarded as one of organised crime's defining characteristics. **The use of violence is often counterproductive** and almost always attracts unwanted law enforcement attention and retaliatory actions. Violence is used by most OCGs only in a measured, deliberate and premeditated manner and when deemed strictly necessary. **However, some OCGs use violence as an integral part of their strategy.** In these cases, violence is used to intimidate witnesses, to extort money and collect debts, to coerce people to take part in or facilitate criminal activities, to forcefully take over businesses, to consolidate a group's position in a certain crime area and as part of robberies and other property crimes.

Worldwide, even in England, where semi-automatic weapons are banned, the majority of assaults by guns is an urban phenomenon, thought to have an association with social exclusion, gang culture and illicit drugs.^{3 4}

4. The rapporteur declared:

*The EU Serious and Organised Crime Threat Assessment (SOCTA), conducted by Europol in 2013, shows that criminal groups are using arms trafficking as a **source of income: 39 crime groups** were reported by 18 different countries as carrying out trafficking in firearms either as a main activity (25 groups) or as an additional activity (14 groups).*

The public version of the SOCTA Review 2013 shows:

There are an estimated 3600 OCGs active in the EU who are increasingly entrepreneurial and international. (39 OCGs which smuggle weapons for an income **represent 1%**)

Weapons trafficking is almost exclusively a supplementary rather than primary source of income for the small number of

1 <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2013-0359+0+DOC+PDF+V0//EN>

2 <http://www.statewatch.org/news/2013/apr/eu-europol-socta-2013.pdf>

3 Squires P. 'Gun Crime': A Review of Evidence and Policy. London: Centre for Crime and Justice, King's College London, 2008

4 Davies MJ et al, [Civilian firearm injury and death in England and Wales](#), Emergency Medicine Journal, 2011

Organized Crime Groups (OCGs) involved in this crime area.

Most groups enter the weapons trafficking business through other criminal activity, which may offer contacts, knowledge of existing routes and infrastructure related to the smuggling of weapons.

The weapons and OCGs involved in weapons trafficking primarily originate from the Western Balkans and the former Soviet Union. OCGs use existing criminal routes to traffic weapons.

5. The rapporteur declared:

*Crime knows no borders and we can only fight effectively against all forms of trafficking, such as trafficking in arms, if Member States cooperate even more than criminal networks. It is vital to exchange information on criminal groups, the methods, means and routes used, illegal firearms, **manufacturers, traders, authorised importers and exporters, and best practices in the fight against firearms manufacturing and trafficking.***

The public version of the SOCTA Review 2013 shows:

Europol recommends that the operational response to serious and organised crime in the EU should focus on the **following high priority threats** (arms trafficking is not mentioned):

- Facilitation of illegal immigration
- Trafficking in human beings
- Counterfeit goods with an impact on public health and safety
- Missing Trader Intra Community (MTIC) fraud
- Synthetic drugs production and poly-drug trafficking in the EU
- Cybercrime
- Money laundering
- Environmental crime: Illicit waste trafficking
- Energy fraud

We share her opinion to combat illicit trafficking on an international level, as the criminal networks use existing criminal routes to smuggle in human beings, counterfeit goods, drugs, weapons and false documents.

We share her opinion to combat illicit manufacturing as the criminal networks produce counterfeit goods and synthetic drugs within the Member States.

We share her opinion that only shared knowledge about the criminal groups, their methods, means and routes is vital to this fight. Therefore we support the Europol Information System (EIS), strengthening of the border control at EU Eastern land borders and all EU air border and establishing an early warning system. All these means will also help prevent illegal immigration, trafficking in human beings and drugs, which are declared as high priority threats by SOCTA.

We do not share her opinion that weapons trafficking is a high risk and a threat to internal security.

Europol highlighted all their successes of confiscation of firearms in 2012⁵:

- Europol and Airpol with 16 participating countries in cross-border Operation Goodeye at 28 European airports. Results: 10 arrests, EUR 1.25 million, 4 kg of synthetic drugs, no firearm
- The Spanish Guardia Civil undertook 25 house searches and arrested 27 people which were linked to three international drug trafficking organisations. Results: 27 arrests, 4.3 kg of speed, an indoor cannabis plantation, cocaine, ketamine, other illegal substances, an electronic device detector, money, four firearms
- Europol and Interpol supported Dutch customs in profiling the containers arriving at Rotterdam. The operation resulted in the arrest of the key members of the criminal network, the discovery of three illegal drug production facilities and the seizure of over 100 kg of amphetamine, significant quantities of drug precursors, ammunition, firearms and explosives. Results: 9 arrests, 3 illegal drug production facilities, over 100 kg of amphetamine, 6.4 kg of TNT, five firearms, 150 rounds of ammunition

If weapons trafficking was a significant problem, Europol would have seized hundreds or thousands of firearms and ten thousands rounds of ammunition in 2012.

5 https://www.europol.europa.eu/sites/default/files/publications/europolreview2012_0.pdf

EIS reported for December 2012

Content:

- 186 896 objects (an increase of 2% compared to 2011)
- 48 023 suspected/convicted criminals (an increase of 17% compared to 2011)

Major crime areas

- 34% Drugs trafficking
- 14% Forgery of money
- 12% Robbery
- 10% Illegal immigration
- 7% Fraud and swindeling

If weapons trafficking was a huge problem, EIS - Europol Information System would have mentioned it.

We do not share her opinion that legal firearms are a problem.

SOCTA claims that the main sources of illegal weapons are the reactivation of neutralised weapons; burglaries and thefts; embezzlement of legal arms, legal arms sold in the illegal market; firearms retired from service by army or police; the conversion of gas pistols.

Since 2010, EUROPOL has warned that the EU will be flooded with heavy arms: "Furthermore, the use of 'heavy firearms' in crime is part of the wider threat of 'access to firearms', which includes converted and lawfully held firearms."⁶

We doubt these statements and share FACE's⁷ view that accurate research would show that most firearms seized from criminals come from post-conflict areas and illegal sources.

We share the view of the French Minister of the Interior who said in May 2012, that "***despite the intense media coverage of certain cases, particularly around the use of "Kalashnikov", this weapon is difficult to acquire, uncommon and mainly used by members of organized crime.***"⁸

In the **absence of significant and organized flow, the French administration has decided to dissolve the central office of arms trafficking**, incorporating it in a central office of trafficking investigation (weapons, drugs, stolen cars, art, etc.).

Like FACE and the former French Minister of the Interior we are not aware of the existence of a major problem in this area.

6. The rapporteur declared:

This Protocol will not have an adverse effect on legal firearms users.

We know from our practical experience that **this Protocol has multiple adverse effects on legal** firearms users, as well as on legal trade and manufacturing.

Germany has adopted all Directives of 1991, 2008, 2010 and of the Protocol on 1st of October 2013. Here are some experiences.

- All legal gun owners have to make a customs declaration since October 2013 if they temporarily export and re-import their firearms, parts, essential components and ammunition for a journey in a third country. Some airlines banned civilian guns in personal luggage at all, some banned only pistols and revolvers which are used in international matches or in Olympic games.
- Legal gun owners need an export permit for journeys to countries with a weapon embargo, e.g. Belarus or Azerbaijan. As they don't get an export permit, they now have to go on their hunting trip without their guns.
- Controlling of shipping papers of civilian guns and the X-ray of parcels raised the air luggage cost by 55 to 235 Euros since 2013, depending on the airline.
- Banning the shipping of gun or gun parts at all by DHL, DPD, UPS and other parcel couriers since 2012 prevents German sales to legal gun owners within the EU. This effects personal sales, manufactureres and trade.
- Firearms which are rarely used for crime. e.g. single-shot shotguns or rimfire guns, are exempted by export control but included in the Protocol. This means that as of October 2013, they require an export permit. Consequently, the permanent or temporary export to third countries consumes time and wastes government resources.

6 [OC-SCAN POLICY BRIEF FOR THREAT NOTICE: 004-2010](#)

7 http://www.face.eu/sites/default/files/documents/english/face_position_on_reopening_firearms_directive_final_en.pdf

8 <http://www.europarl.europa.eu/document/activities/cont/201304/20130425ATT65092/20130425ATT65092EN.pdf>

7. The rapporteur declared:

This Protocol will make it easier to prevent and combat illicit trafficking in firearms.

We claim that the EU Common Guidelines of the Directive 1991 constitute sufficient preventative measures at the EU level, and that most of the new regulations have been informed by biased statistics, and influenced by some NGOs and the UN. Neither makes any distinction between European legal gun ownership and gun crime committed by criminals.

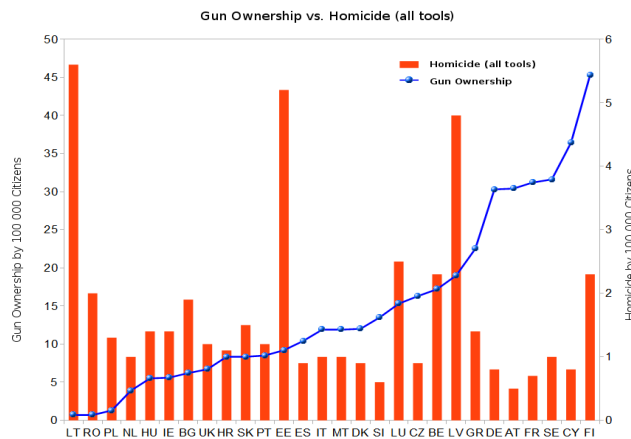
The EC Home Affairs works with incorrect facts:

- *Fabio Marini, Coordinator of the Anti-Firearms Trafficking Task Force, DG Home Affairs, told in April 2013 that more than 5000 murders were committed with firearms (around 20% of all murders) last year according to the UNODC.⁹*
The EC itself, in October 2013, presented the fact that out of a total 5700 murders, 1000 were committed with firearms. Including the 4000 firearm-related suicides, means also having to take into account the total: 63.000 suicides overall.
- *The EC counts 25 million legal guns for Germany.*
In fact, there are 5.6 million legal firearms in Germany, which are registered in an electronic database according to the EU Guideline 2008/51/EC.

The EC ignores results which do not fit the Commission's agenda to reduce the total number of privately owned firearms:

- In 2011, the EC interviewed associations of users, retailers and manufacturers of firearms, as well as Ministries of the Interior and of Justice of the Member states. The result (ENTR questionnaire 2012) revealed that there are relatively few problems in tracing firearms for civilian use, that most Member States do not have an increase in crimes involving civilian firearms, and that some Member States think the economic sector would suffer, if further restrictions are enacted. The major groups of users desire simplification of regulations, in order to improve the functioning of the internal market.¹⁰
- After the completion of the ENTR, the EC launched a public consultation via Your Voice in Europe (the Commission's public feedback website) to gauge views on the EU's role in tackling the risk of firearms. The EC was "very keen to capture the views of a wider range of stakeholders -including victims, organizations and NGOs – and to provide an alternative perspective to that given by the ENTR questionnaire 2012 where respondents were mainly the users, retailers and manufacturers of firearms." (responding ministries were not mentioned)
- This EU Poll with 85.000 participants, including more than 3000 associations and more than 250 public authorities is ignored by Mrs. Malmström¹¹, because she did not get the results she wanted: more than 75% of the respondents did not desire further actions at EU level.
- In September, the EC started a Eurobarometer Survey with 25.000 participants. 96% of the respondents in this survey only knew about gun laws and gun crime from media and the entertainment industry, as they never owned a firearm. This survey produced the desired results and has been highlighted by the EC several times since.

We cannot see any correlation between murder rates and gun ownership (all numbers by EC – 10/2013):



9 <http://www.europarl.europa.eu/document/activities/cont/201304/20130425ATT65090/20130425ATT65090EN.pdf>

10 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0415:FIN:EN:PDF>

11 <http://legalwaffenbesitzer.files.wordpress.com/2013/10/umfrage-ergebnisse.pdf>