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# Trafficking in Illicit Firearms for Criminal Purposes within the European Union

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## 1. Introduction

Illicit arms trafficking is considered within the European Union to be a particularly serious form of criminality with a frontier-transcending dimension. In the draft of the European Constitution, therefore, illicit arms trafficking is mentioned in one breath with, for example, trafficking in humans and the sexual exploitation of women and children, the narcotics trade, money laundering, corruption, and terrorism.

Illicit arms trafficking is generally and in the first instance associated with weapons being shipped to combatants in divergent irregular conflicts with the emphasis on the Third World. These weapon flows receive much attention from the United Nations and from international humanitarian organizations.<sup>1</sup> Also in the framework of the EU, measures have been taken in the past years to rein in these weapon flows.<sup>2</sup>

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<sup>1</sup> I. Davis, C. Hirst and B. Mariani, *Organised Crime, Corruption and Illicit Arms Trafficking in an Enlarged EU* (London 2001).

<sup>2</sup> O. Greene, 'Examining International Responses to Illicit Arms Trafficking', 33 *Crime, Law & Social Change* (2000) pp. 151-190, p. 171. It concerns, for example, the EU Programme for Combating and Preventing Illicit Trafficking in Conventional Arms (1997) and the EU Code of Conduct on Arms Exports (1998), Joint Action on the European Union's Contribution to Combating the Destabilising Accumulation and Spread of Small Arms and Light Weapons (1998).

Within the Union itself, however, illicit arms are smuggled that are intended for the Member States themselves. The buyers of these weapons are, for the most part, criminals and, but to a lesser extent, European separatist movements in for instance Northern Ireland, the Basque regions, and Corsica.<sup>3</sup> The illicit possession of firearms among criminals has come higher on the agenda in recent years in several Member States.

To begin with, in past years in various countries such as the United Kingdom, Germany, and Belgium, the weapon laws were tightened on the occasion of serious incidents with legal firearms.<sup>4</sup> The Netherlands have, since long, one of the most restrictive weapon laws in Europe.<sup>5</sup> To the extent that obtaining a license for private weapon possession is less simple, people with criminal intentions have it less easy to obtain such a license. In addition, there are fewer weapons in circulation so people who cannot obtain a license, perhaps because of a criminal record, have more difficulty acquiring an illicit weapon by means of theft or fraud. The reverse side to this coin, however, is that new market opportunities are thereby created for arms traffickers.

Second, in some EU Member States, a hardening has been noted in the criminal milieu that is accompanied by increasing weapon possession and use. This is the case, for example, for the United Kingdom and the Netherlands.

Finally, since September 2001, the threat of Islamic terrorism has been high on the agenda and with it the potential problem of arms trafficking for terrorist groups in the EU.

Although illicit arms trafficking is thus receiving more attention, relatively little is known about the nature and extent of the problem specifically in relation to the EU. For example, Europol was unable to make a closer analysis of the problem in the *EU Organised Crime Threat Assessment* of 2006 for lack of data.<sup>6</sup> Moreover, hardly anything has been published on the subject in the scholarly literature. However, there are exceptions: in the Netherlands, a number of studies

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<sup>3</sup> D. Sagramoso, *The Proliferation of Illegal Small Arms and Light Weapons in and around the European Union* (2001), Centre for Defence Studies, Kings College, University of London.

<sup>4</sup> In the United Kingdom, a restrictive weapons law already went into force in 1997 after sixteen children and a teacher were shot dead in a school in Dunblane in Scotland. Germany tightened its law after a comparable event in April 2002 in Erfurt, where a student killed a teacher and two fellow students. In Belgium, a new weapons law was quickly passed in 2006 after a young man, at random, shot dead a child of two-and-a-half years old and her baby-sitter in Antwerp.

<sup>5</sup> Private individuals can obtain a license for a lethal barrelled firearm, including hunting rifles, only under strict conditions. Moreover, the possession of non-lethal firearms and even imitation weapons is also forbidden.

<sup>6</sup> Europol, *EU Organised Crime Threat Assessment* (The Hague 2006) p. 25.

have been conducted on illicit arms trafficking and trade with regard to criminal groups, in which use was made of police information including files of completed investigations and interviews of detainees.<sup>7</sup> Also in the United Kingdom, various reports have been issued in which comparable research-methods were used.<sup>8</sup> On the basis of these studies, it can be concluded that the illicit arms trafficking for criminal buyers, although, of course, weapons are also smuggled in from outside of Europe, is something that takes place primarily within the EU.<sup>9</sup> In the present article, therefore, a European perspective is explicitly applied.

The various sources from which criminals can obtain illicit firearms in the Member States of the EU are considered first. For this, the logistical chain of the production of the weapon, its transfer to the illicit domain, its smuggling to the country of destination, and its sale to the end users will be described in more detail.

The second part of this article deals with the measures that have been taken in the EU to prevent the leakage of firearms onto the illicit circuit and to improve their control and tracking. First of all, the European Directive 91/477 will be discussed and then the initiatives taken by the *Police Cooperation Working Group (PCWG)*.

## **2. The Logistics of Illicit Firearms Trafficking**

Most of the international arms trade is completely legal. It is estimated that only some five percent of the total trade is illicit.<sup>10</sup> Most of the weapons traded illicitly are small arms and light weapons.<sup>11</sup> Annually, it amounts to two to three billion

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<sup>7</sup>) A.C. Spapens and M.Y. Bruinsma, *De smokkel van illegale handvuurwapens vanuit voormalige Oostbloklanden naar Nederland* (Tilburg 2002a), IVA; A.C. Spapens and M.Y. Bruinsma, *Vuurwapens gezocht: vuurwapengebruik, -bezit en -handel in Nederland 1998-2000* (Tilburg 2002b), IVA; N. Maalsté, P. Nijmeijer and M. Scholtes, *De vuurwapengedetineerde aan het woord*, (The Hague 2002), ES&E; A.C. Spapens and M.Y. Bruinsma, *Illegale vuurwapens in Nederland: smokkel en handel* (Zeist 2004), Politiewetenschap no. 26 Uitgeverij Kerckebosch; M. Bruinsma and J. Moors, *Illegale vuurwapens: gebruik, bezit en handel in Nederland 2001-2003* (Tilburg 2005), IVA.

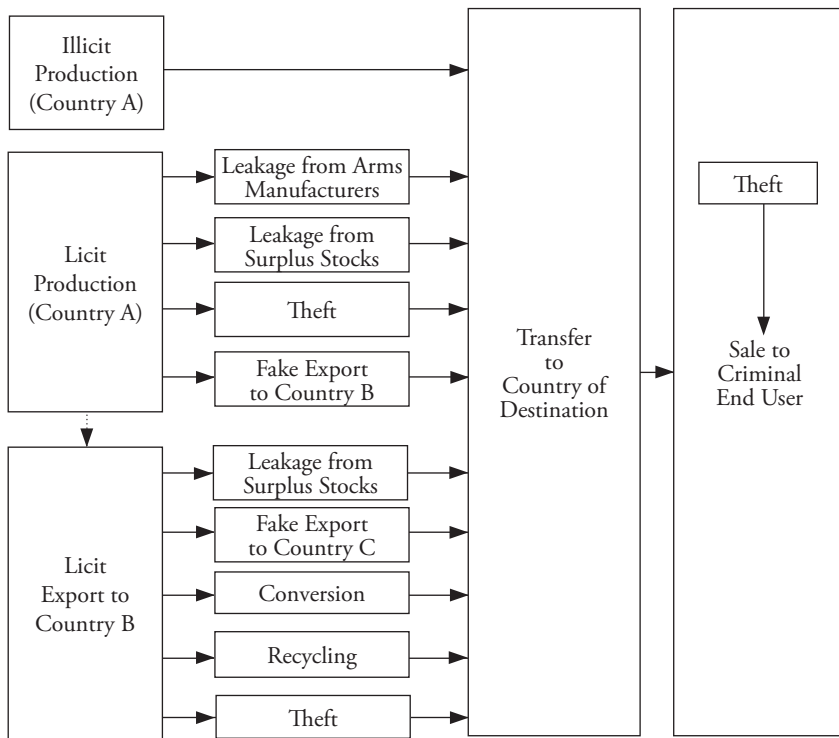
<sup>8</sup>) Centre for Defence Studies, *Illegal Firearms in the United Kingdom* (2001), Working Paper 3; G. Hales, C. Lewis and D. Silverstone, *Gun Crime: the Market in and Use of Illegal Firearms* (London 2006), Home Office Research Study 298, Home Office, as well as Sagramoso, 2001.

<sup>9</sup>) A.C. Spapens, *Illegal firearms in a European perspective, An Overview of the Problems* (Zoetermeer 2003), Working Group Dutch Presidency EU 2004, National Firearms Platform.

<sup>10</sup>) Small Arms Survey, 2001.

<sup>11</sup>) The category of small arms includes by definition of the United Nations: revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns and light machine guns. Light weapons include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank and anti-aircraft missiles and mortars of calibres less than 100mm.

dollars.<sup>12</sup> Although it is impossible to estimate, it may be assumed that only a fraction of this concerns illicit firearms trafficking within the EU. The illicit firearms smuggling for criminal rings in the Member States of the Union, conversely, is a complex whole of smaller and larger weapon flows. This process will be described below in logistical terms. Sieber and Bögel in their study *Logistik der Organisierte Kriminalität* were the first to conceive a number of forms of organised crime as logistical processes.<sup>13</sup> This seems to provide an excellent framework for the analysis of divergent and complex illicit activities.<sup>14</sup> The main line of the logistical process of the trade in illicit firearms is given in the following diagram.



<sup>12</sup> J. Boutwell and M. Klare, *A Scourge of Small Arms*, Scientific American, June 2000.

<sup>13</sup> U. Sieber and M. Bögel, *Logistik der Organisierten Kriminalität*, (Wiesbaden 1993).

<sup>14</sup> See, for example, W. Huisman, H. Huikeshoven, H. van de Bunt, J. Van Wijk, A. Meijer, G. Boelens, M. Jagt and J. Spijkerman, *De zwakste schakel* (2003) VU Amsterdam/Politie Amsterdam-Amstelland; A. Spapens and C. Fijnaut, *Criminaliteit en rechts-handhaving in de Euregio Maas-Rijn*, Vol. 1 (Antwerp/Oxford 2005); A. Spapens, *Interactie tussen criminaliteit en opsporing, de gevolgen van opsporingsactiviteiten voor de organisatie en afscherming van xtc-productie en -handel in Nederland* (Antwerp/Oxford 2006).

The diagram illustrates the many different ways in which firearms can be brought into the illicit domain. The weapon can be manufactured somewhere in an illicit workshop and directly disappear in the criminal milieu. However, when it is stolen from a license holder, it can also end up on the black market at the very end of the logistical chain. In between, a number of other 'transfer moments' can be distinguished as described below.

### **2.1 *The production of firearms***

The first step in the logistical process is the manufacture of the firearms. Krause observed that almost all illicit weapons transfers were, at some point in their life, legally produced or procured.<sup>15</sup> This observation was confirmed by information from the Dutch police. Of the firearms that were seized between 1998 and 2000, an estimated 95% or more were originally legally manufactured. However, firearms are also manufactured illicitly. In practice, this occurs in three ways: first, original designs are fabricated by amateurs at home or in workshops; second, illicit copies of existing designs are produced in factories, third, the production of legitimate arms manufacturers is fraudulently diverted.

A working firearm can, in principle, be of very simple design. A barrel, a spring with a firing pin, and a housing to hold it all together can suffice. A firearm, therefore, can be manufactured with relatively modest tools. Moreover, high-quality components, such as the barrel, are freely available in some EU countries. In practice, therefore, firearms are regularly found that are the result of handcraft. These are primarily disguised firearms, or weapons that are not recognizable as such from their appearance. For example, in 1999, in an apartment in Amsterdam, four firearms were found that looked like cell phones. At the end of the 1990s, guns that looked like key chains turned up throughout Europe, apparently parts of a larger series. In the Netherlands, alone, 135 of them were seized in 1999.<sup>16</sup> These weapons probably came from Bulgaria.

Disguised firearms generally shoot bullets that have a small, but nonetheless deadly, calibre, the .22 long rifle being popular. The gun consists of little more than a small barrel and a simple spring system and must be reloaded after each shot so several barrels are mounted. The guns can hardly be aimed so they are effective only at very short distances. The Dutch police found them, for example,

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<sup>15</sup> K. Krause, *Small Arms and Light Weapons: Proliferation Processes and Policy Options* (Canada 2000), Department of Foreign Affairs and International Trade, via: <<http://www.smallarmssurvey.org>>, p. 18.

<sup>16</sup> R. Kuijper and S. van der Leest, *Vuurwapencriminaliteit op basis van het Vuurwapendatasysteem in 2001* (Zoetermeer 2002), Korps Landelijke Politiediensten, Landelijk Bureau Wapens en Munitie, p. 11.

with prostitutes, who carried them in their purses as a means of defence against aggressive clients. Disguised firearms are also regularly part of the arsenal of organised crime groups.

Firearms can also be manufactured in a legal twilight area. During the wars between the countries of the former Yugoslavia in the 1990s, for example, several small-scale weapons factories were set up in Croatia to be able to meet the great demand for weapons independently of foreign countries. In particular, machine pistols were manufactured locally, some of original design but also illicit copies of existing weapons. Thus, under the name of 'ERO', an exact copy of the Israeli UZI machine pistol was made for which, at least according to the information from the Dutch police, no license agreements were concluded.<sup>17</sup> Even an 'own' variant has been produced that deviated in size from the original versions.<sup>18</sup> These weapons also ended up in the Dutch criminal world: between 1998 and 2000, a couple dozen 'Croatian UZIs' were seized.<sup>19</sup> In Croatia, machine pistols of the American Ingram brand were copied. With the end of the wars in the former Yugoslavia, the production of these weapons gradually ceased. However, weapons that remained in the possession of individuals still find their way into the illicit domain.

Finally, firearms can be illicitly manufactured by legitimate arms producers. Of course, this is only possible when the internal controls are defective at these companies. In the 1980s, FN pistols appeared regularly in the Netherlands that were completely identical to the legally manufactured weapons but with serial numbers or test-bench marks lacking.<sup>20</sup> Thus, it was immediately clear that the source of these weapons had to be sought in the factory itself. Investigation revealed that some of the employees had stolen components in order to assemble them into working weapons at home.

The source of such illicitly manufactured original weapons, however, need not always be the factory itself. This became clear, for example, at the end of 1999 when the Amsterdam police encountered a number of Heckler & Koch MP5 machine pistols. They turned out not to be registered with the producer so the Dutch police first considered malversations at the manufacturer. Further investigation revealed that a Dutch arms dealer had manufactured the weapons himself. Over the years, Heckler & Koch had concluded license production agreements for this kind of

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<sup>17</sup>) Korps Landelijke Politiediensten, *Recherche-informatie vuurwapens* (June 2000), katern no. 15.

<sup>18</sup>) *Ibid.* Alongside the ordinary UZI size, mini- and microversions are also made. The Croatian variant was not the same of either of these versions.

<sup>19</sup>) A.C. Spapens and M.Y. Bruinsma, *Vuurwapens gezocht: vuurwapengebruik, -bezit en -handel in Nederland 1998-2000* (Tilburg 2002b).

<sup>20</sup>) Korps Landelijke Politiediensten (KLPD), *De aard en omvang van vuurwapencriminaliteit in Nederland, periode 1991-1995* (Zoetermeer 1997).

machine pistol in a number of countries. The dealer had purchased components of the weapon from license-holders in various countries and from them assembled the complete machine pistols, which he had then sold in the criminal world.

## **2.2 *Transfer from the licit to the illicit domain***

As described above, most of the firearms are first manufactured and sold legally and then enter the illicit domain only later on. Very diverse methods can be used to do this. Research data indicate at least six important routes:

1. leakage directly from the factory to the illicit circuit;
2. fake exports, sometimes via intermediaries;
3. conversion of non-lethal firearms;
4. recycling of discarded weapons or re-use of the surplus parts;
5. theft from legal dealers or private owners of legal firearms;
6. fraud by private owners of legal firearms.

The first possibility encountered in practice was fraud or theft of complete weapons from the factory before they were transported to the buyers. In 1996, a Yugoslav residing in the Netherlands was arrested on the German-Austrian border at Passau with a good 200 pistols in his van. These weapons had been spirited away from the Zastava company in Belgrade. The same person had previously already smuggled a few hundred weapons to the Netherlands and had sold them on to criminals. The original packaging complete with warranty certificates for these guns were found when his house was searched by the Dutch police.

The second method of bringing firearms from the licit to the illicit domain is fake export. This method is used in practice to spirit away a large number of weapons. Indeed, firearms can, if the applicable export requirements are met, be legally delivered to foreign purchasers. A central role here is played by the 'end-user certificates', whereby the authorities in the receiving country guarantee that the transaction is legitimate. If the authorities of the exporting country also do not object to the shipment, it can take place legally. Fake export means, however, that this entire transaction happens only on paper. In reality, the weapons disappear with an unknown destination. This method, of course, succeeds or fails with corruption and faulty controls in the countries of destination. End-user certificates can be obtained, for example, by bribery. Moreover, for the final destination, a country is often chosen where the authorities are not prepared or not able to check if the shipment actually has arrived.

The weapons, to begin with, can be exported directly from the producing country to unknown destinations. In 1998 and 2000, the Croatian company HS, for



example, sold a good 3700 pistols of the HS95 and HS2000 models to post-office box companies in the United States, Nigeria, and the British Virgin Islands. These weapons never actually arrived there but disappeared in the criminal circuit.<sup>21</sup> In the Netherlands alone, 400 pistols of this lot were confiscated in 1998 and 1999.<sup>22</sup> They were also found by the police in Germany, France, Belgium, Denmark, Spain, and Czechia.<sup>23</sup>

Fake exportation, however, can also occur via detours. In that case, the weapons are first delivered by the factory to a broker, such as a legal arms dealer abroad. This broker can, provided he has the required licenses, again export the weapons on paper to another country of destination. An example of this is a case in which firearms were purchased from various foreign manufacturers by two Belgian arms dealers. These weapons were sold on paper to a Dutch broker who, also on paper, exported them. In reality, the weapons disappeared from Belgium into the illicit domain.

In the early 1990s, *malafide* Belgian arms dealers diverted, assumed by the Dutch police, a few tens of thousands of firearms in a similar way.<sup>24</sup> They were, because of the amounts, also smuggled to destination countries outside the EU. Some of these lots are still emerging in the Netherlands.

Third, non-lethal firearms are converted on a large scale to lethal barrelled firearms, and then sold in the criminal milieu. In various EU countries, non-lethal firearms are freely available, and some types in circulation can be converted quite easily. The weapon has to be given another barrel, and a few other adaptations are needed. A converted alarm pistol, however, is less reliable and also potentially dangerous for the user since the materials used in alarm guns are not designed by the manufacturer to withstand the much higher gas pressure that occurs with live ammunition. And also the work of the converters, of course, does not meet the quality standards that the regular manufacturers apply. And, last but not least, these weapons are not tested on test benches. Although a converted alarm gun can thus be considered a poor man's alternative, such weapons circulate on a large scale among criminals.

As of the end of the 1990s, for example, converted Italian Tanfoglio alarm pistols (Type GT28) began to appear throughout Western Europe. Further investigation

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<sup>21</sup>) Korps Landelijke Politiediensten, *Recherche-informatie vuurwapens* (June 2000), katern no. 15.

<sup>22</sup>) A.C. Spapens and M.Y. Bruinsma, *De smokkel van illegale handvuurwapens vanuit voormalige Oostbloklanden naar Nederland* (Tilburg 2002a), IVA.

<sup>23</sup>) Information provided by the *Bundeskriminalamt* during the European Firearms Experts Meeting, Noordwijk, 7 and 8 December 2004.

<sup>24</sup>) Korps Landelijke Politiediensten (KLPD), *De aard en omvang van vuurwapencriminaliteit in Nederland, periode 1991-1995* (Zoetermeer 1997).

determined that these weapons were legally exported from Italy to Spain and Portugal. There, however, they were converted in illicit workshops to lethal barrelled firearms. A good fourth of the illicit firearms confiscated between 2001 and 2003 in the Netherlands were converted Tanfoglio pistols.<sup>25</sup> In Great Britain, too, converted non-lethal firearms are often found by the police.<sup>26</sup>

The fourth way to obtain illicit firearms is by recycling weapons that have been withdrawn from service. For example, in Germany and Austria, there are wholesale firms that buy up scrapped firearms by the lot and have them converted to alarm pistols or to deactivated *Dekorationswaffen*. The models Walther PP and Walther PPK – the pistol with which James Bond is presented in his best-known pose – are particularly popular. Criminal gangs soon figured out that these weapons could be reactivated, sometimes very simply, into lethal barrelled firearms. They thus tried in their turn to acquire these ‘alarm weapons’ to make them usable again.

The recycling of scrapped firearms has been taking place in Europe for a few decades already, as can be deduced from seizures of firearms that close investigation has shown to have come from a wide variety of surplus stocks. In 2004, for example, Walthers’ PPs were seized in the Netherlands that had been manufactured by Manurhin in France under license and had been used by the Swedish police. From information obtained through Interpol, it turned out that these pistols had been part of a lot that had been sold to a German junk dealer. How the weapons ended up in the criminal circuit was not further investigated by the Dutch police.

Starting in 1998, converted Makarov pistols began to appear in the Netherlands and also in other European countries. It turned out that they were weapons that had been used by the East German police and that, after the *Wende* in 1989, had been withdrawn from service. They were sold to Austrian junk dealers, who had them converted to alarm pistols. Croatian groups succeeded in purchasing considerable numbers of these weapons and converted them back into lethal barrelled weapons. In doing so, the calibre was modified to the common 7.65 mm or 9 mm (9x19) since Makarov pistols require a special kind of ammunition that is difficult to obtain in Western Europe. These pistols were provided with the inscription ‘*Walther spec. Ausf.*’ or similar false brand names. This *modus operandi* was also used with Hungarian FEG pistols and Russian Tokarev pistols. The German *Bundeskriminalamt* estimates that, in recent years, some 9,000 Makarov, FEG,

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<sup>25)</sup> M. Bruinsma and H. Moors, *op. cit.*, p. 90.

<sup>26)</sup> G. Hales, C. Lewis and D. Silverstone, *op. cit.*, p. 11.

and Tokarev pistols have been ‘recycled’ of which some 400 have been seized in Western Europe up to the end of 2004.<sup>27</sup>

In a similar way, weapons from surplus lots for which there was no more use leak onto the criminal circuit. In 2003, the Dutch police, for example, investigated a Croatian criminal gang that smuggled weapons to the Netherlands. These were firearms of a number of brands and types that were left over from the conflicts in the 1990s. Also, when the British weapon law was tightened in 1997, legal arms dealers in that country were left with unsellable weapons. A few *malafide* people let them leak onto the black market, and they began then to appear in the Dutch criminal world.<sup>28</sup>

The next method of bringing firearms from the licit to the illicit domain is by theft from legal owners. There is also the possibility that they intentionally subverted the weapons by filing a false report of theft while the weapon was actually sold illicitly. For example, in Germany, again according to a statement of the *Bundeskriminalamt*, 6,405 firearms were reported in 1998 by private owners to have been lost or stolen.<sup>29</sup> How many of these stolen weapons end up in the criminal world is impossible to trace. The Dutch police occasionally seize weapons that had been stolen in Germany or other countries.<sup>30</sup>

Theft occurs not only from private individuals but can also be from dealers or governmental agencies. A criminal gang in the Netherlands carried out a series of ram raids on arms stores and got away with dozens of weapons.<sup>31</sup> Also, in the beginning of 2005, a good 200 pistols were stolen from a Dutch air force base. At the end of the 1990s, 138 Glock pistols disappeared from the customs warehouse at Schiphol. These weapons were underway to Nicaragua and were being temporarily stored while awaiting further shipment. This incident came to light only by chance because the shipper had not reported this theft to the Dutch authorities. Also at the end of the 1990s, a few hundred Ingram MAC-11 machine pistols were stolen from an American army warehouse in the Netherlands. These weapons were sold on to criminal gangs in various European countries. In 2003, a suspect was arrested in the Netherlands who had weapons from this lot and who presumably had dealt in them.

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<sup>27</sup>) Information provided by staff of the *Bundeskriminalamt* during the *European Firearms Experts Meeting*, Noordwijk, 7 and 8 December 2004.

<sup>28</sup>) A.C. Spapens and M.Y. Bruinsma, *Illegale vuurwapens in Nederland: smokkel en handel* (Zeist 2004), Politiewetenschap no. 26 Uitgeverij Kerckebosch, pp. 71-73.

<sup>29</sup>) D. Sagramoso, *op. cit.*, p. 17.

<sup>30</sup>) A.C. Spapens and M.Y. Bruinsma, *op. cit.*, p. 68, p. 105.

<sup>31</sup>) A.C. Spapens and M.Y. Bruinsma, *op. cit.*, p. 91.

The overview presented here shows that there are many ways with which firearms can be transferred from the licit to the illicit domain on a smaller and larger scale. The illicit firearms traffic can be seen as a market of opportunities on which the sources from which the weapons are derived and the countries of origin are constantly changing.

### **2.3 *The smuggling of illicit firearms***

The next step in the logistical process is the smuggling of the firearms to the country of destination. This is, of course, not necessary if the weapons are introduced into the illicit domain in the country of destination itself as is the case with theft.

To begin with, weapons can be smuggled directly from the production country to the destination country. Thus, for decades, arms were smuggled on a small scale from the United States to the Netherlands.<sup>32</sup> Generally, however, illicit firearms reach their final destination via circuitous routes. A good example is one lot of Beretta 950b pistols a number of which began to appear in the Netherlands at the end of the 1990s. These weapons turned out to have been manufactured under license in Brazil after which they were sold in the beginning of the 1990s to customers in Croatia. How the weapons then disappeared into the illicit circuit could not be determined by the Dutch police. Firearms are durable goods and can sometimes have a considerable history of importation and exportation behind them before they end up in the illicit domain. In the Netherlands, firearms are still being seized from lots of which it is known that they were smuggled into the country ten or fifteen years ago.

The actual smuggling of illicit firearms occurs in divergent ways, depending on the country of origin or destination. To begin with, we distinguish smuggling on the European continent. This appears to occur primarily on a small scale and on demand.<sup>33</sup> The weapons are transported in lots of at most a few dozen per shipment. Since these weapon shipments occur regularly, a substantial number of firearms is involved over the longer term. For one small-scale Dutch weapons smuggler who had a supplier in Hungary, for example, it paid to ship only five pistols at a time. He made the journey only when he had found buyers in the Netherlands. In another Dutch case in 2003, there was mention of partial barter of illicit firearms for synthetic drugs. A number of couriers smuggled the firearms from Croatia to the Netherlands after which the narcotics went back. Only 5 to

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<sup>32</sup>) A.C. Spapens and M.Y. Bruinsma, *op. cit.*, pp. 73-74.

<sup>33</sup>) This same evolution is apparent in the smuggling of narcotics from the Netherlands to other EU countries on the continent; See, for example, A.C. Spapens and C. Fijnaut, 2005, L. Paoli, 'The Paradoxes of Organised Crime', 37 *Crime, Law & Social Change*, (2002) p. 51-97.

10 weapons were smuggled per shipment. The couriers generally used passenger vehicles. In other cases, truck drivers were involved who regularly drove back and forth from the country of origin to the Netherlands. As a rule, the couriers took few protective measures. Sometimes the weapons were transported in secret compartments but regularly simply in a bag or in the trunk of the car. Smugglers have declared in police interviews that only the outer frontier of the EU formed a serious obstacle.<sup>34</sup>

Second, illicit firearms are smuggled to the Netherlands from overseas, particularly from the United States. Here, too, they are small shipments of weapons that are smuggled along with regular commercial goods. The scale of the weapon smuggling is not large enough to make it is profitable to work with legal cover cargos as is the case with drugs. For example, the Dutch police in past years found illicit firearms in containers in which classic cars and juke boxes were being transported that were intended for sale to customers in the Netherlands. In another case, weapons were being smuggled in a container of motorcycles that had been stolen in the United States.

Third, the smuggling of illicit firearms from the Netherlands to the United Kingdom can be considered separately. The United Kingdom was already an important destination country for narcotics being transhipped via the Netherlands.<sup>35</sup> After the strengthening of the firearms law there, it was obvious that the Netherlands would also begin to play the role of transit country for illicit firearms. Because of the inspections of the British Customs and Excise, however, the smugglers had to take more protective measures than on the European continent. In practice, the illicit goods turned out to have been shipped in trucks with a secret storage compartment. A relatively recent phenomenon is the ‘cocktail shipments’ of illicit goods.<sup>36</sup> Representatives of British criminal gangs purchase a wide variety of narcotics as required and also illicit firearms that are sent in one smuggling shipment.

#### **2.4 The sale of illicit firearms**

The last step in the logistical process of the trade in illicit firearms for criminal purposes is the sale of the weapons in the destination country. The market for illicit firearms is largely limited in the Netherlands to people who are actively involved in the commission of a wide variety of serious crimes.<sup>37</sup> In particular, the need for

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<sup>34</sup>) A.C. Spapens and M.Y. Bruinsma, *op. cit.*, p. 86.

<sup>35</sup>) NCIS, *UK Threat Assessment 2002* (London), Home Office.

<sup>36</sup>) W. Huisman et al., *op. cit.*, p. 144.

<sup>37</sup>) A.C. Spapens and M.Y. Bruinsma, *Vuurwapens gezocht: vuurwapengebruik, -bezit en -handel in Nederland 1998-2000* (Tilburg 2002b), IVA, pp. 80-84.

firearms arises from the desire for self-protection. A special problem group consists of recent immigrants from lower social classes of the Dutch West Indies.<sup>38</sup> They appear disproportionately often to be involved in the trade in hard drugs and the related shooting incidents among the participants. A smaller portion of the market for illicit firearms consists of weapons or explosives that are purchased as 'criminal tools', for example, to commit an armed robbery.

On the Dutch market for a current model pistol such as a CZ75 or an FN HP, the price is about 700 euros. Converted alarm pistols are on offer for less. For very good quality pistols and revolvers, the asking price, however, can soon climb to 1,500 euros or more, and for automatic weapons, a price of around 2,000 euros is normal. Rifles, in contrast, are cheaper, as there is relatively little demand among criminals for rifles because they are difficult to hide. The Dutch police seize some 2,000 to 2,500 illicit firearms per year.

The distribution network for illicit firearms is highly fragmented. The actual smuggling organizations are generally small: the core consists of an importer and the supplier or suppliers in the source country. When the smuggling is on a somewhat larger scale, a number of couriers are generally hired who do the actual transport. If need be, the weapons are stored in safe houses while awaiting further processing. Generally someone from the fringes of the criminal network is used for this and is given a modest remuneration.

The central figure in the partnership is the importer or someone who has contacts in a source country with one or more suppliers of illicit firearms and with members of the criminal world in the destination country. Importers sell the weapons either directly to end users as well as to people who then sell them on in their own network of contacts. An investigation conducted in 1998 revealed that one single importer had contacts with more than fifteen other criminal gangs that were involved in, for example, the drug trade and armed robberies. He also delivered firearms to other buyers via a few intermediaries who worked for him.

In the cases investigated, the illicit firearms turned out to have been sold only to trusted contacts in the criminal network or to customers vouched for by intermediaries. Thus, this provided a certain degree of assurance that they would not tell the police the source should they be arrested. In practice, this did appear to be the case: the arrested suspects seldom if ever made a reliable declaration about the weapon supplier.<sup>39</sup>

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<sup>38</sup>) A.C. Spapens and M.Y. Bruinsma, *op. cit.*, pp. 113-121, Bruinsma and Moors, *op. cit.*, p. 27.

<sup>39</sup>) A.C. Spapens and M.Y. Bruinsma, *op. cit.*, pp. 148-149.

### 3. Tackling the Supply of Illicit Firearms

Firearms for criminal uses, as sketched above, are purchased from a wide variety of sources, which, moreover, regularly change. The smuggling flows are often small scale and highly fragmented. Illicit firearms are not only smuggled into the EU but weapons also leak from the licit to the illicit domain within the Union. Because of the complexity of the matter, a number of divergent measures can be taken in order to deal with the problem. A detailed discussion of them would be beyond the scope of the present article.<sup>40</sup> However, a few major lines can be sketched.

It is beyond dispute that the illicit smuggling of firearms can, in principle, be most effectively dealt with by preventing the firearms from disappearing into the illicit domain. This is, at least on the basis of the Dutch figures, for a large part an internal problem of the Union: in 2001 and 2002, 70% of the pistols seized by the Dutch police were produced in the then Member States.<sup>41</sup> When the countries are included that have since entered the Union, then this figure rises even to about 80%. Some of these weapons were first exported over the outer frontier of the Union in order, sometimes only after a number of years, to be smuggled back into the EU via circuitous routes. Another portion of the leakage, however, must be ascribed to the complexity of the firearms legislation in general and the differences between that legislation in the Member States.

In order to trace the various weapon flows and then to take appropriate measures to stop the leakage, adequate registration of seized weapons, tracing the origin of these weapons, and active information collection about weapon flows by means of criminal investigation and controls are of essential importance.

First, illicit firearms that are seized must be adequately identified by specialists. Many policemen do not have the detailed knowledge needed to see through the tricks of the illicit weapon dealers. For example, they regularly provide firearms with false brand indications. A non-expert official who registers the weapon will generally not notice this so it takes longer before a specific illicit firearm flow emerges from the figures. Within the police services, therefore, a sufficient number of firearms experts have to be available, and one must make sure they also have the opportunity to examine the seized illicit firearms. Then, this information must also be exchanged among the EU countries.

Second, the tracing of the seized illicit firearms is of great importance in order to determine the detours that certain kinds of weapons have made and to be able

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<sup>40</sup> See, for example, P. Lock, *Pervasive Illicit Small Arms Availability: a Global Threat*, HEUNI Paper no. 14 (Helsinki 1999).

<sup>41</sup> A.C. Spapens and M.Y. Bruinsma, *Illegale vuurwapens in Nederland: smokkel en handel* (Zeist 2004), Politiewetenschap no. 26 Uitgeverij Kerckebosch, p. 49.

to tackle the leakage at the source. Indeed, each firearm that is seized constitutes a potential lead pointing to dealers and smugglers and to the possible identification of crimes. What is needed is that the investigating agencies have firearms specialists available as the importance of all kinds of details is not discernable to non-experts. An example is a case in the Netherlands in which an expert could see from an identification mark that the seized pistol had been traded legally in Germany. Thus, it had apparently been stolen and crimes could have been committed with it in that country. When the suspect was confronted with these findings, he decided to reveal how he had acquired the weapon as he did not want to be suspected of crimes that had been committed in Germany with the weapon.<sup>42</sup> Experts with the police are needed also for adequate tracing, and rapid information exchange among the police services of the Member States is critical.

Finally, tracing investigations as well as checks on weapon flows need to be conducted not only to intercept illicit firearms but also to remain up to date on the methods of the criminal gangs involved in the smuggling of illicit firearms and to be able to test hypotheses regarding their flows. These tracing investigations and checks also require intensive collaboration on the part of the courts and the police.

We shall now consider a number of concrete initiatives that have been taken in recent years by the Council of Europe within the frameworks of the Police Cooperation Working Group (PCWG). First of all, however, we will discuss the initiatives taken to harmonize the European firearm legislation.

### **3.1 The EU policy**

Within the European Union, the trade in firearms is an extremely sensitive and complex subject. There are great differences among the Member States with regard to the restrictiveness of the firearms legislation. Moreover, comparing the laws of national weapon legislation is extremely complex because of its highly technical nature and is often impenetrable to non-experts. The matter is also accompanied by major economic interests in the countries where a substantial number of small arms are manufactured. These interests weigh all the more because the sector has been confronted with a sharply decreased demand since the end of the Cold War.

After the Schengen treaty was concluded in 1985, which provided for the elimination of controls on the interior frontiers, however, measures had inevitably to be taken to harmonize the weapons legislation in the countries that were party to the treaty. Indeed, firearms, because of the intrinsic nature of the product, involve a safety risk. The regulation, control, and sanctioning contained in the national laws

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<sup>42)</sup> A.C. Spapens and M.Y. Bruinsma, *op. cit.*, p. 105.



and regulations of the Schengen countries could not lose their value should the firearms cross the national frontier. In 1987, therefore, a proposal was submitted for a directive ‘concerning the control of the acquisition and possession of weapons’.<sup>43</sup> Only on 18 June 1991 was Directive 91/477 on the control of the acquisition and possession of weapons modified and issued.

The directive has a double objective. First, rules are included concerning the acquisition and possession of firearms and, second, rules regarding the transport of firearms between the Member States.<sup>44</sup> The directive is thus intended to offer the Member States the guarantee that the elimination of controls on the interior borders would not harm the nationally constructed protection against terrorism and crime but at the same time also assure the free traffic of goods between the Member States. The directive envisions harmonization on the minimum level: individual member states may opt to include more severe prescriptions in their national legislation provided that they do not unnecessarily hamper free traffic. Krause (2000) concluded that ‘even within the European Union, a great deal of diversity is tolerated on this issue in the face of attempts to harmonize a range of other policy arenas’.<sup>45</sup> We shall consider very briefly the most important elements of Directive 91/477 as regards the prevention of leakage to the illicit circuit. The stipulations regarding free movement of legal firearms, such as the introduction of the European firearms pass, will not be considered.

Directive 91/477 provides three kinds of stipulations that are of importance in relation to the leakage of firearms to the illicit domain. To begin with, the Directive distinguishes between four categories of firearms (A through D). This division is coupled with requirements to the possibility of citizens to acquire weapons. Category A consists of the prohibited firearms, such as automatic weapons and artillery and military launchers. These weapons must, in principle, be excluded from private possession. Only in very special cases may licenses for them be issued, which, in practice, is rarely if ever done.<sup>46</sup> The B and C categories contain the firearms subject to license or to reporting. Category D comprises the remaining firearms, which may be sold freely.

The object of this categorization is, of course, to prevent certain kinds of firearms from being more easily obtainable in one member state than in the other because this could promote smuggling. Citizens from a member state with restrictive laws could then easily purchase a weapon in a country with more liberal notions and

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<sup>43</sup>) COM (1987) 383 def.

<sup>44</sup>) COM (2000) 837 def.

<sup>45</sup>) K. Krause, *op. cit.*, p. 12.

<sup>46</sup>) COM (2000) 837 def: p. 12

then take it with them to their country of origin. In the discussion in the Dutch parliament on the directive, precisely this problem was raised.<sup>47</sup> In the Netherlands, for example, no category of lethal barrelled firearms is freely available, and even the purchase of alarm weapons and imitation weapons is prohibited by law. The latter types, however, could be purchased freely in some other Member States, thus also by non-residents, and the same applied for certain kinds of hunting weapons. However, the Directive did not provide for these kinds of differences.

In the second place, differences with regard to weapons that did come under the Directive remained inevitable, since the individual treaty partners were free to apply a more restrictive policy with regard to certain types of firearms than the directive prescribed. For this reason, therefore, Directive 91/477 states that weapons in Category B could be purchased by a non-resident customer only if he had a license from that particular country. This license could only be granted with the approval of the authorities in the country of origin (Article 6). Each purchase of a firearm also had to be reported to the country of origin of that person. As regards firearms in Category C, the obligation was included that their purchase by a non-resident had to be reported to the authorities of that person's country of origin (Article 8).

The Commission issued a report on the implementation of Directive 91/477 only in 2000.<sup>48</sup> Although the delay was in part explained by the requirement that Austria, Finland, and Sweden only had to convert the Directive by the end of 1997 according to the Act of Accession, the lack of haste to do this on the part of a number of the Member States also played a role.

From the report, it appeared that most of the Member States were of the opinion that the objectives of the Directive had been realized (p. 10). The division of firearms into the four categories as above, however, still gave rise to questions: hunting and sport weapons turned out not to be classified uniformly in the various Member States, in some they came under Category D, in others in Category C or even B.

Second, the information exchange constituted a bottleneck. The information was not always complete or was not received on time, and, in general, the lack of a network for information exchange was felt to be a defect (p. 16). Whether this led to more non-registered firearms having come into circulation in the Member States, however, could not be clearly specified for lack of information. Because of these findings, it was resolved to establish networks for the exchange of information on the definitive transfers, to draw up fixed formulas for the information

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<sup>47</sup>) Second Chamber, Vergaderjaar 1993-1994, 23028, no. 10: p. 2.

<sup>48</sup>) COM (2000) 837 def.

exchange, and to set up a contact group to supervise the compliance with the Directive (p. 20).

The third observation concerned the deactivated firearms. Here, the Member States pointed out the problem that the norms for the deactivation of firearms applied in some Member States did not exclude the reactivation of the weapon. Here, it was decided to wait for what the new UN protocol, which was being negotiated at that time, would state with regard to the deactivation of firearms in order to be able to take it into account in an adaptation of the Directive (p. 21).

This UN protocol, the ‘Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime’ was established on 8 June 2001 and was signed in the name of the European Community. However, this required a few adaptations of Directive 91/477, and the proposal for this amendment was submitted by the Commission on 2 March 2006.<sup>49</sup>

The first change concerns the introduction of markings on firearms at manufacture as well as when firearms were brought from military or state arsenals onto the civilian market (Article 4, paragraph 1). In addition, the time the registers of the arms dealer had to be kept was extended. Directive 91/477 already required that the dealer himself had to keep his register for five years. To this was now added that they had to be kept for another five years by the Member State (Article 4, paragraph 3).

The second important change concerns Article 16 of the Directive. The original text of the article read: ‘Member States shall introduce penalties for failure to comply with the provisions adopted pursuant to this Directive. Such penalties must be sufficient to promote compliance with such provisions.’ The new text proposal, however, imposes further requirements: ‘Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.’ Moreover, Article 16 was expanded with the explicit mention that the illicit manufacturing of firearms, their components, and ammunition as well as their illicit trafficking and also the falsification or illicit obliteration, removal, or altering of the markings indicated in Article 4 (1) are to be punished as crimes. Further, henceforth attempts to do such things and participation in or incitement to do so are deemed criminal offences.

Finally, the proposal to amend Directive 91/477 sharpens the stipulation on the deactivation of firearms by means of a precise description of what is to be under-

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<sup>49</sup>) COM (2006) 93 def.

stood by it (Annex I). The Member States also have to take measures to see to it that the deactivated weapons are checked by a competent authority to be certain that recycling is impossible.

The proposal for amendment shows that the Commission, in particular by means of the new text of Article 16, wants the Member States to make illicit arms trafficking a serious crime, insofar as this was not already the case. Moreover, the criminalization must be extended to actions that cannot be directly qualified as smuggling or illicit trafficking but that are instrumental in it. Thus, how this proposal for amendment will be received by the Member States is an interesting question.

#### **4. Initiatives of the Police Cooperation Working Group**

The approach to firearms smuggling has, as already briefly mentioned, also received the necessary attention of the PCWG. First, in the second half of 1999, the initiative ‘Operation Arrow’ was taken by the Finnish chairmanship. Second, in the first half of 2001 under the Swedish chairmanship, it was proposed that the information exchange on the seized firearms be improved. Finally, in the first half of 2004, under the Dutch chairmanship, it was agreed on to create a European network of firearms experts and also to organize a number of specific control projects. We shall discuss these initiatives further.

The first object of the *Operation Arrow*, or the ‘*Route Policing Project on Combating Illicit Trafficking of Firearms*’ was to develop an overview of the illicit firearms flows in the EU. The second objective of the project was to experiment with international police cooperation. In that context, control projects were conducted with firearms manufacturers, legal firearms dealers, legal firearms possessors, and shooting clubs in order to be able to identify possible malversations. At the same time, checks were conducted on the exterior frontiers of the EU, in part to be able to develop experience with the mobilisation of police liaisons in third countries. Finally, in the Member States, criminal intelligence was gathered regarding illicit trafficking and smuggling of firearms.<sup>50</sup>

The participating Member States conducted these checks in November 2000. With the exception of France and Italy, all of the then Member States (15) actually took part in the campaign.<sup>51</sup> In each country, national contact points were established. The campaign was coordinated from a central point in Helsinki. Locally,

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<sup>50</sup>) Council of the European Union, *Final Report on the Arrow Route Policing Project* (Brussels 30 May 2001) 9178/01.

<sup>51</sup>) Korps Landelijke Politiediensten (Zoetermeer 2001), *Operation Arrow, Vuurwapencriminaliteit*, Dienst NRI, p. 8.

police personnel were stationed as liaison officers by the participating Member States. In total, a good 2100 targets were checked.<sup>52</sup> On the exterior frontiers of the EU, container scans and other inspections were conducted. The control campaigns led to 261 further investigations with 49 suspects being arrested.<sup>53</sup> The experiences with the international cooperation were also positive. Of course, bottlenecks of all sorts emerged that were due to differences in the national legislation, in the administrative structures, and the directors of the authorities involved. An important recommendation was thus that an EU-wide network of experts be established. This could, in the first instance, consist of those who had been involved in the execution of the Arrow operation and who had thus acquired the necessary experiential expertise.

The project was not a success in all respects. Little came of the objective of collating criminal intelligence in the Member States and analyzing it centrally. The work necessary was not carried out or the exchange of intelligence encountered restrictions in national legislation. Further, while 13 Member States took part in the operation, the efforts in some countries remained limited.<sup>54</sup> Thus, for example, not all of the countries delegated a liaison officer to Finland and some national contact points restricted themselves to the funnelling of requests for mutual legal assistance only. The international cooperation thereby received less prestige than would have been possible if all of the participating Member States had made a substantial effort. Finally, the controls on the exterior frontiers yielded relatively little so the cooperation with the liaisons in the third countries could hardly be tested.

The second initiative of the PCWG had the objective of mapping the flows of illicit firearms within the European Union. This initiative, ENFOPOL 16, was taken in 2001 under the Swedish chairmanship of the EU. It was focused on the improvement of the collection and exchange of criminal information regarding firearms within the EU. One of the components of it was a proposal to develop standardized exchange of information about the seized illegal firearms. In addition to Sweden, seven EU countries participated.<sup>55</sup>

In the framework of ENFOPOL 16, two forms were developed on which information about the seized firearms could be recorded. One form was intended for the description of the weapon itself. On the second form, forensic details

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<sup>52</sup>) Council of the European Union, *op. cit.*

<sup>53</sup>) Council of the European Union, *op. cit.*

<sup>54</sup>) Korps Landelijke Politiediensten, *op. cit.*

<sup>55</sup>) Second Annual Report on the implementation of the EU Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons (2002/589/CFSP) and repealing Joint Action 1999/34/CFSP and the EU Programme on illicit trafficking in conventional arms of June 1997.

could be recorded, such as the results of gun tests. The idea was to integrate these forms into the IBIS registration system, which was already being used by several Scandinavian countries. IBIS would eventually also have to be introduced in other EU countries.

As a result of great differences in the firearms technical definitions and terminology that turned out to be used in the participating Member States, much time and effort had to be spent to develop these forms. In addition, an explanatory glossary and a manual had to be developed as appendixes to the standard forms. The progress was received positively by the PCWG in the middle of 2004. At the end of 2004, work was begun on the translation of the standard forms into the various languages of the Member States.<sup>56</sup> However, on the other hand, the project had been given little publicity and the financing was uncertain. The Swedish project group thus intended at the end of 2004 to apply for supplementary funds from the EU in order to be able to continue the development and the implementation of the forms.

The third and last initiative was taken in the second half of 2004 during the Dutch chairmanship of the EU. This project can, in a certain sense, be seen as a continuation of the Arrow operation. The primary objective was to achieve a permanent network of European police firearms experts under the name ENFEPOL (EU Network Firearms Experts Police). This network should be, in a practical way, created by the acquisition of experience with a number of short-term campaigns, called High Impact Operations (HIOs). Because of the relatively short time span in which all this had to be organized, it was decided to start the expert network with a small number of member states as 'forerunners'. Other countries would be able to join in time. During a meeting in December 2004, various proposals for HIOs were discussed. From them, three were chosen.

The first concrete project was adopted by the then English 'National Criminal Intelligence Service'. This involved a control campaign on the smuggling of illicit firearms or firearm components to the EU by means of packages sent through the mails. Buyers who do not have a weapons license can, for example, via the Internet, simply order firearm components, imitation weapons, or stun guns in countries outside the EU. In particular in the United Kingdom, there is concern about this method of smuggling. In July 1999, a control operation intercepted 37 firearms on their way from the United States to Dublin in this way.<sup>57</sup> As a consequence of the enormous number of postal packages that enter the EU every day, the Custom

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<sup>56</sup>) Information provided by Ms. L. Martensson during the European Firearms Experts Meeting, Noordwijk, 7 and 8 December 2004.

<sup>57</sup>) Centre for Defence Studies. *op. cit.*

could check only small samples. Moreover, some components of firearms are not recognizable as such by non-experts. One of the questions that was to be further investigated during this HIO was whether these components could even slip through possible controls.

The operation involved the organization of a large-scale control operation of postal packages in one day in order to obtain a better understanding of the nature and the scope of any firearm smugglings. The operation was conducted in May 2005 with 21 European countries participating. The result was satisfactory in that few if any illicit firearms or weapon components were found. The weapons and ammunition that were found in the Netherlands turned out, upon further investigation, to have been sent completely legally. The authorities were surprised, however, at the large amount of weaponry that entered the country, albeit in conformity with the legal prescriptions, on just one randomly chosen day.

The second HIO was adopted by the Federal Police of Belgium and concerned a large weapons fair in that country. The Belgian police had indications that at such fairs the national prescriptions regarding the trade in firearms or weapon components were violated and also that weapons were being sold to foreign customers without any form of registration. The intention was that this would be a two-part operation. First, the exhibitors at a large semi-annual weapons fair would be checked, and, second, the license plate numbers of the vehicles of foreign visitors would be recorded so that they could be checked when they returned to their own countries.

During the preparations, it became clear that the campaign was a very sensitive matter with the authorities of the town where the fair was to be held, because of the economic importance of the fair. Thus, the operation had to be postponed from October 2005 to April 2006. Although, the intention was that Germany, Luxembourg, and Great Britain would also participate in the operation, ultimately only Belgium and the Netherlands were involved. The operation itself was largely limited to the checking of the Dutch who had visited the fair when they returned across their own border. At the weapons fair, the license plate numbers of some 750 Dutch vehicles were noted. Control posts were set up at three border crossings, and 18 vehicles could be intercepted. In half of the cases, weapons were, indeed, found that were illicit under Dutch law. In addition, the police found even more illicit firearms when they searched the homes of the arrested suspects. From the Dutch point of view, therefore, this HIO could be considered a success.

The third operation was adopted by the German *Bundeskriminalamt*. This operation was intended to obtain a better view of illicit firearm flows. In this operation, seized pistols of one specific manufacture and type would be the object of thorough tracing EU wide. The launching of this operation had to be postponed for awhile for practical reasons. At this time, the results are not yet known.

## **5. Concluding Remarks**

This article considered the smuggling of illicit firearms for criminal use in the European Union. It showed that illicit firearms are not only smuggled into the EU but also that within the Union itself legally produced or traded firearms can enter the criminal world in all sorts of ways. In addition to faulty control in the individual Member States, this is also due to the lack of harmonization of the weapon legislation in the EU. Member States that restrict private firearm possession the most stringently constitute the most important markets for illicit firearms and vice versa. In view of the complexity of the matter and because of the great political and economic sensitivity of the subject, it has turned out to have been hitherto extraordinarily difficult to rein in effectively the leakage of firearms to the criminal world in the framework of the EU. Its importance, however, is growing: the tightening of the firearms legislation that has occurred in various Member States in recent years has led to a larger illicit market.

In order to identify new as well as older flows of illicit firearms within the EU, the rapid and timely exchange of information among the police services is essential. This involves, first, ‘tracing’, the determination of the origin of individual firearms that have been seized. Second, the adequate registration of the seized illicit firearms is crucial for being able to follow the developments on the black market. Although, the projects undertaken in the framework of the PCWG have certainly not been lacking in results, it must, in general, be noted that they have as yet too little effect. On all these points, therefore, substantial improvements are possible and necessary.