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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on combating firearms trafficking and other firearms-related offences and amending
Directive (EU) 2024/1260 of the European Parliament and of the Council**

{SWD(2026) 102-103 final} - {SEC(2026) 102 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Illicit firearms pose a serious threat to EU citizens' security, as they enable a wide range of serious and organised crimes including drug trafficking, extortion, robbery, and gang violence⁽¹⁾. Research shows that criminal demand and access to firearms are increasing⁽²⁾, leading to more violent incidents and even arms races among criminals in some EU countries. The problem is further exacerbated by geopolitical events which pose a threat to the Union's security given their geographical proximity. The risk that surplus weapons from ongoing conflicts would eventually leak into illegal markets is high, similarly to what happened after the conflict in the Western Balkans. Additionally, technological advances like 3D printing make it easier to produce firearms and heighten the threat, stressing the need for stronger preventive measures.

The EU has adopted several instruments in the field of firearms, from the perspective of the internal legal market. These EU instruments regulate the legal acquisition and possession of firearms. Directive (EU) 2021/555 of 24 March 2021 on the control of the acquisition and possession of weapons (the Firearms Directive)⁽³⁾ sets common minimum standards on the acquisition, possession, and commercial exchange of civilian firearms (e.g. firearms used for sport shooting and hunting) within the EU. Regulation (EU) 2025/41 of 19 December 2024 on the import, export and transit of firearms (the recast Firearms Regulation)⁽⁴⁾ introduces the requirement to obtain import and export authorisations to move firearms across the EU border from and towards third countries. By defining what is legal, both instruments inevitably demarcate what is illegal, yet do not determine what is criminal. Therefore, no EU rules exist as of yet, on criminal offences related to firearms.

The EU and its Member States have engaged at the international level: the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (hereafter the UN Firearms Protocol)⁽⁵⁾, which complements the UN Convention against Transnational Organized Crime, establishes international rules to combat the illicit manufacturing and trafficking of firearms. Article 5 of the UN Firearms Protocol requires States to criminalise related offences. 25 of 27 EU Member States and the EU itself (since 2014) have ratified the Protocol. While the EU has concluded the UN Firearms Protocol, further harmonisation via this Directive strengthens uniform enforcement.

⁽¹⁾ Europol, European Union Serious and Organised Crime Threat Assessment (SOCTA), The Hague, 2025, p.61

⁽²⁾ De Schutter, A. & Duquet, N. (2023), The nexus between drug markets and gun violence in the European Union, Flemish Peace Institute and EMCDDA, https://www.euda.europa.eu/drugs-library/nexus-between-drug-markets-and-gun-violence-european-union_en

⁽³⁾ Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons, OJ L 115, 6.4.2021.

⁽⁴⁾ Regulation (EU) 2025/41 of the European Parliament and of the Council of 19 December 2024 on import, export and transit measures for firearms, essential components and ammunition, implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol) (recast), OJ L, 2025/41, 22.1.2025

⁽⁵⁾ 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. 31.05.2001. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&clang=_en

A preparatory study found significant differences among Member States in how firearm-related crimes are defined and punished, leading to a fragmented legal framework across the EU. In an inherently tightly regulated area, this lack of harmonisation hinders cross-border cooperation, complicates investigations and prosecutions, and reduces the overall effectiveness of law enforcement against firearms trafficking and other firearms-related crimes.

The digital domain has emerged both as a primary enabler and as an accelerator for illicit manufacturing through the online dissemination of 3D-printing blueprints as well as providing the essential infrastructure for modern enforcement. Addressing the emerging risks posed by these technological shifts requires an enforcement strategy that prioritises digital intelligence to bridge the data gap currently hindering a comprehensive understanding of the firearms threat. To address these security challenges, the proposal seeks to foster a harmonised digital environment for information exchange, ensuring that the collection of evidence and strategic analysis are supported by robust cybersecurity and data protection standards.

Beyond security risks and cross-border cooperation challenges, the EU faces a major data gap regarding illegal firearms. The lack of reliable and comprehensive statistics hinders law enforcement officers and policymakers' ability to assess the scale of the challenge, evaluate policy effectiveness, and make informed decisions⁽⁶⁾. This data shortage also contributes to low public awareness, limited political prioritisation, and insufficient resources for law enforcement efforts against firearms crime.

Cooperation with the countries which are candidate for enlargement should also be strengthened to ensure that they are fully involved in Union coordination mechanisms, as necessary for specific cross-border cases. This requires facilitating further cooperation in regional and operational initiatives, including in the European Multidisciplinary Platform Against Criminal Threats (EMPACT), and cooperation with Union agencies, including Europol, Eurojust, CEPOL and Frontex, which contribute to the prevention and disruption of firearms trafficking. Their progressive alignment with the Union's justice, freedom and security acquis enhances the effectiveness of cooperation between the Union and its Member States and reinforces the overall resilience of the Union against the diversion and illicit movement of firearms.

The proposal aims to protect EU citizens from the threat of illicit firearms by reducing the number of illegal weapons and related criminal activities, harmonising firearm offences and penalties across Member States, and improving data quality and availability to better understand and address the threat. The proposal will not redefine the rules on legal ownership of firearms.

To address the challenges identified, the proposal has four specific objectives:

1. Enabling and facilitating the investigation and prosecution of firearms-related offences
2. Ensuring a future-proof enforcement of firearms-related offences
3. Ensuring effective, dissuasive and proportionate penalty types and levels for firearms-related offences
4. Improving law enforcement and judicial cooperation and harmonised data collection on firearms-related offences

⁽⁶⁾ Schutter,A, Criminal gun violence in the European Union, Flemish Peace Institute, EU funded project INSIGHT, Brussels, 2023, p.2. and Varisco,A E, Types of Firearms Used in Violence in the European Union, SIPRI, EU funded project INSIGHT, Brussels, 2023, p.2.

- **Consistency with existing policy provisions in the policy area**

The European Commission consistently identifies firearms trafficking as a major internal security threat to the EU. The 2025 ProtectEU⁽⁷⁾ Strategy and the *[new Counter-Terrorism Agenda]* emphasise harmonising criminal law standards on illicit firearms trafficking. The issue is also a key priority in the 2021–2025 EU Strategy to Tackle Organised Crime⁽⁸⁾ and within the EMPACT framework, renewed for 2026–2029⁽⁹⁾.

The 2020–2025 EU Action Plan on Firearms Trafficking⁽¹⁰⁾ is the main policy instrument covering the objectives of this initiative. It specifically focuses on tightening controls over the illegal firearms market, addressing gaps in EU legislation, improving intelligence sharing, and ensuring fully operational National Firearms Focal Points in all Member States. It also supports developing an EU repository of seized firearms. Finally, the initiative aligns with the EU's obligations under the UN Firearms Protocol, clarifying the implementation of UN recommendations, especially those concerning the criminalisation of 3D-printed firearm blueprints⁽¹¹⁾.

- **Consistency with other Union policies**

The objectives of this proposal are also consistent with the following policy and legislative documents:

- Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA
- Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States
- Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA
- Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law
- Directive (EU) 2024/1260 of the European Parliament and of the Council on asset recovery and confiscation
- Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties

⁽⁷⁾ Communication of from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on ProtectEU: a European Internal Security Strategy, COM(2025) 148 final, 1.04.2025

⁽⁸⁾ Communication of from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy to tackle Organised Crime 2021-2025, COM(2021)170 final, 14.04.2021

⁽⁹⁾ Council conclusions on the enhancement of EMPACT and on EU crime priorities for the next EMPACT cycle 2026-2029, Council doc. 9397/25, 13 June 2025

⁽¹⁰⁾ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on 2020-2025 EU action plan on firearms trafficking, COM(2020)608 final, 24.07.2020.

⁽¹¹⁾ Resolution 12/3 adopted at the 12th session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, 2024, accessible at https://www.unodc.org/documents/treaties/COP12/Resolutions/E/Resolution_12_3.pdf

- Council Framework Decision 2009/948/JHA on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings
- Regulation (EU) 2024/3011 of the European Parliament and of the Council of 27 November 2024 on the transfer of proceedings in criminal matters
- Council Conclusions 10726/21 on the implementation of the National Firearms Focal Points (NFFPs) in the EU Member States, 13 July 2021
- Council Conclusions 9907/25 on combating trafficking of weapons and fighting threats stemming from firearms and pyrotechnic articles, 12 June 2025
- Council Conclusions on Protecting Europeans from Terrorism: Achievements and Next Steps: specifically point 47 calls upon the Commission to start the work for this initiative
- Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States
- Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The legal bases for the proposed Directive are Article 83(1) and (2). Article 83(1) TFEU provides for the legal basis to establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension. The provision lists illicit arms trafficking as one of these particularly serious crimes.

Article 83(2) TFEU sets out the EU's competence to establish minimum rules if the approximation of criminal laws and regulations of the Member States proves essential to ensure the effective implementation of a Union policy in an area which has been subject to harmonisation measures. The area of firearms policy, notably the conditions to acquire, possess, trade within the EU, import and export firearms, essential components and ammunition has already been subject to harmonisation by virtue of the Firearms Directive and the recast Firearms Regulation.

• Subsidiarity (for non-exclusive competence)

Coordinated EU-level action to criminalise firearms-related offences and harmonise penalties is more effective than separate national measures. A Union-wide legal framework would close existing gaps in how Member States implement the UN Firearms Protocol, improve cross-border cooperation on investigations and prosecutions, and lead to greater safety and reduced firearms violence.

Additionally, EU legislation requiring consistent and harmonised data collection on seized firearms would enhance law enforcement officers and policymakers' capabilities, allowing for better resource allocation, threat and policy evaluation. Stronger, harmonised EU action would also support broader security goals, as firearms crimes are closely linked to terrorism, money laundering, drug trafficking, and other types of organised crimes—ultimately reinforcing Europe's overall internal security.

- **Proportionality**

In accordance with the principle of proportionality, as set out in Article 5(4) TEU, the proposed Directive is limited to what is necessary and proportionate to create existing legislation on offences in this area. Specifically, the provisions on illicit possession consider national traditions on administrative law by requiring criminal intent and it does not focus on negligence. Additionally, the proposed harmonised offence of illicit possession, illicit creation and illicit dissemination of blueprints for firearms, essential components and ammunition includes measures to ensure proportionality with respect to legitimate interests of the industry and of citizens. The focus of this offence is on illicit use, meaning that authorised dealers should not be prevented from relying on blueprints.

Measures on the use of investigative tools and information exchange are included only to the extent needed for the proposed criminal law framework to function effectively.

- **Choice of the instrument**

In accordance with Articles 83(1) and (2), minimum rules with regard to the definition of criminal offences and sanctions in EU policy areas which have been subject to harmonisation measures may only be established by means of a Directive of the European Parliament and the Council adopted in accordance with the ordinary legislative procedure.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not Applicable - there is no EU Directive specifically addressing the criminal offences related to firearms and the corresponding penalties. The proposed legislation would be the first of its kind. The proposed legislation would not amend existing EU legislation on firearms.

- **Stakeholder consultations**

A 12-week public consultation and call for evidence gathered input from a wide range of stakeholders. Additionally, targeted consultations focused on Member States, law enforcement, the private sector, the judiciary, and international partners. The consultations aimed to identify the most effective approaches to strengthen the prevention and fight against firearms-related offences and to support practitioners.

Most respondents supported a legislative initiative focused on core firearms offences, with some suggesting a broader scope. Law enforcement stakeholders emphasised the need to target preparatory acts for private manufacturing, especially 3D-printed weapons. Participants also highlighted the need for better resources, coordination, and cooperation within the law enforcement chain. All feedback was considered by the Commission in shaping the proposal.

More information on the consultations can be found in the annexes to the impact assessment (Annexes 2 and 3).

- **Collection and use of expertise**

First, the Commission contracted a preparatory study to evaluate the current level of criminalisation of firearms-related offences in the Member States. This study revealed that there are considerable gaps in the transposition of the UN Firearms Protocol to criminalise illicit manufacturing, illicit trafficking, and illicit modification and falsification of markings. 14 Member States have not criminalised this last offence.

Besides this study, the Commission conducted a comprehensive review of existing literature on the subject. In addition, the Commission conducted a large number of meetings with

experts from law enforcement, judicial authorities, EU agencies etc. The Commission also organised a dedicated meeting with the Expert Group on EU Criminal Policy.

- **Impact assessment**

The impact assessment considered four policy options to address firearms-related crime in the EU:

- Option 1: Focuses on non-legislative measures, clarifying existing rules, improving enforcement, and enhancing cross-border cooperation. It includes recommendations to address 3D printing threats and create a minimum dataset on firearms seizures.
- Option 2: Introduces legislative harmonisation of the core firearms offences—such as illicit trafficking, illicit manufacturing, illicit modification of markings, and illicit possession—by aligning definitions and penalties. It strengthens cross-border cooperation, regulates new technologies by introducing an offence related to illicit possession, creation and dissemination of blueprints, obliges the use of a minimum dataset to record seized firearms and report this data to Europol, and requires each Member State to establish a National Firearms Focal Point. Additionally, it also foresees an obligation for Member States to collect and report data on the different firearms-related offences to the Commission, every five years.
- Option 3: Combines legislative and non-legislative measures. It expands all legislative obligations of Option 2 with clarifications on broader offences. The non-legislative measures focus on knowledge-sharing on new technologies, joint testing of 3D printing blueprints, and enhanced judicial cooperation through a new Focus Group.
- Option 4: Extends Option 3 to include additional offences (e.g., illicit reactivation, brokering, embargo violations, and record-keeping misconduct) and requires annual data reporting to the Commission.

The preferred option is Option 3, as it addresses all the problems and objectives identified in a proportionate and effective way. Option 1 is not considered effective enough on its own as non-legislative measures will not provide the sufficient impetus for significant change. Option 2 would address all problems and objectives, however it is considered less effective due to the lack of additional support for its implementation. Option 4 is seen as effective to achieve the objectives stated but its implementation places a disproportionate burden on Member States.

Even though the lack in quantitative data hampered the exact calculation of the impacts, some general conclusions could be drawn. The main social impacts focus on improved security for EU citizens through the reduction of the high number of illicit firearms in the EU. The preferred option proved to have little to no impact on citizens who already legally own a firearm, as this proposal focuses on the illegal market.

The main expected economic impact focuses on the reduction of the costs linked to shootings. While there is no conclusive research on the economic costs of firearms violence in the EU, an analysis combining research conducted through the EU funded project INSIGHT⁽¹²⁾ and research on the cost of a specific shooting from Sweden estimates the cost of shootings⁽¹³⁾ for

⁽¹²⁾ EU funded project INSIGHT, under call ISFP-2020-AG-FIRE. Accessible at <https://vlaamsvredesinstituut.eu/en/project-insight/#:~:text=This%20online%20knowledge%20platform%20offers%20policymakers%2C%20police%20officers%2C,information%20about%20firearms%20violence%20in%20the%20European%20Union>

⁽¹³⁾ Erixon O., Living with the Aftermath: Consequences of Gun Violence for Affected Residential Areas and Individuals

the Swedish society to be somewhere around EUR 120 to 140 million for the first half of 2024. The figure is purely theoretical as it relies on the hypothesis that the cost of the specific shooting can be extrapolated and applied to all shootings that occurred in Sweden the first half of 2024. It nonetheless shows that the costs of firearms-related violence, while difficult to estimate, are not negligible.

The Regulatory Scrutiny Board (RSB) issued a first negative opinion on 5 May 2025. The RSB found that the impact assessment suffers from shortcomings that must be addressed before proceeding. In particular, the Board concluded that the report failed to convincingly demonstrate the scale, urgency, and drivers of the problem with robust evidence, did not clearly show how the initiative fitted within or added value beyond the existing EU legal framework, and did not substantiate claims about Member State divergence or offenders exploiting regulatory gaps. It also found the objectives insufficiently S.M.A.R.T., the causal links between policy options and objectives inadequately demonstrated, and the assessment of economic and social impacts, costs, proportionality, and option comparisons incomplete and insufficiently evidenced. As a result, the RSB required the Commission to substantially revise and strengthen the analysis and resubmit the report for a new opinion.

On 10 November 2025, the RSB issued a second opinion on the redrafted impact assessment. They issued a positive opinion with reservations. The main focus of the reservations were that the problem description still lacked some data, that the objectives could be described in a S.M.A.R.T. way and that the different impacts across the policy options were not sufficiently clear. The impact assessment was further improved to reflect these comments.

Lastly, the impact assessment explained that none of the policy options in the impact assessment had any impact on the environment, therefore this legislative proposal is consistent with the climate-neutrality objective set out in European Climate Law.

- **Regulatory fitness and simplification**

Not Applicable - there is no EU Directive specifically addressing the criminal offences related to firearms and the corresponding penalties. The proposed legislation would be the first of its kind. The proposed legislation would not amend existing EU legislation on firearms.

- **Fundamental rights**

By addressing the threat of firearms trafficking, the proposal will have a positive impact on ensuring the security of the EU citizens.

Article 16 of the Charter on Fundamental Rights of the European Union recognises the freedom to conduct a business “in accordance with Union law and national laws and practices.” The initiative will not affect the right to conduct business as the rules on authorising arms dealers to trade in firearms is established in the Firearms Directive. These rules will not change due to this initiative.

Article 17 of the Charter recognises the right to property. It is settled case-law that the right to property enshrined in Article 17 of the Charter is not absolute and can be limited, subject to the principle of proportionality, and only if the limitations are necessary and genuinely meet objectives of general interest recognised by the European Union or the need to protect the rights and freedoms of others. It is the Firearms Directive which establishes the rules on legal ownership of firearms, essential components and ammunition. These rules will not change due to this initiative.

4. BUDGETARY IMPLICATIONS

The implementation of the legislative proposal would result in more effective investigations and a broader scope of offenses related to firearms and essential components. As a result, Member States would need additional staff to carry out the potential increase in the number of investigation and prosecution of firearms crime cases. This increase in staff has been estimated to amount to EUR 4,069,175 annually in total for all Member States during at least the first five years.

Administrative costs for forensic departments of Member States are expected to increase in relation with the number of seized firearms. Such costs have been estimated at EUR 574,564 per year for administrative costs for ballistic reports in all 27 Member States and an additional EUR 332,107 per year for ballistic reports on digital blueprints.

In addition, administrative costs for the full establishment and development of National Firearms Focal Points in all 27 MS is estimated at EUR 12,070,917 and for the harmonisation of firearms-related data in national databases EUR 10,800,000 in all 27 MS.

The costs for the Commission relate to staff costs for the implementation and monitoring of the initiative, should be covered within the existing budget of the responsible service. Furthermore, the Commission will have to organise meetings of the Focus Group for judicial actors to support the exchange of information. Another cost relates to the report the Commission has to produce. This report is a study that will analyse the effectiveness of the Directive with a certain series of indicators. This study, which will happen after the end of the current MFF, will cost around EUR 420,000.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Member States will have two years after the entry into force to transpose the Directive into national legislation. The Commission will monitor this transposition.

Additionally, the Commission presented a monitoring framework in Annex 10 of the Impact Assessment. This framework establishes the indicators to monitor the implementation of each of the objectives of the initiative. Furthermore, it establishes the baseline and the required benchmarks in order for the implementation to be considered a success. In total the initiative will be monitored according to 15 indicators, such as number of cases linked to the offences, increase of the lowest penalties levels, confiscation of profits, establishment and functioning of NFFPs, information sent to European Firearms Hub, etc.

Starting eight years after entry into force to allow for transposition and for the conclusion of the first data collection exercise, and then every five years thereafter, the Commission will write an evaluation report about the added value of the Directive for the fight against criminal firearms-related offences containing the implementation data of the 5 previous years. This report will contain the results of the monitoring framework mentioned above. It will also contain information on the implementation of the Member States of the different provisions and give an overview of the statistical data received. In order to draft this report, the Member States are obliged to submit all relevant information. Based on this evaluation, the Commission shall decide if appropriate actions need to follow.

To support the Member States with the implementation of the proposal, the Commission will facilitate the sharing of lessons learned linked to new technologies and the facilitation of joint testing of blueprints linked to these new technologies. Furthermore, the Commission will also

facilitate the cooperation between judicial authorities by setting up a Focus Group to exchange information.

- **Detailed explanation of the specific provisions of the proposal**

Article 1: Subject matter

This provision sets out the purpose of the Directive. In particular it explains the three different aims harmonising definitions and penalties for firearms-related criminal offences, improving cross-border cooperation, and establishing a minimum dataset on firearms seizures.

Article 2: Definitions

This provision contains definitions of terms used in the Directive. Multiple definitions refer to Directive (EU) 2021/555 on acquisition and possession of weapons.

Article 3: Offences

This provision describes the criminal offences covered by this Directive. The criminalisation of illicit manufacturing, illicit trafficking, and falsification and modification of markings on firearms are required following the UN Firearms Protocol. The criminalisation of illicit possession derives from the Firearms Directive (EU) 2021/555. The offences related to blueprints are considered new offences. They can be considered preparatory acts.

Article 4: Inciting, aiding and abetting, and attempt

Article 4 criminalises inciting, and aiding and abetting the commission of criminal offences referred to in Article 3(1). This criminalisation is also a requirement following the UN Firearms Protocol.

Article 5: Penalties for natural persons

This article provides minimum standards to ensure that the offences referred to in Articles 3 and 4 are punishable by effective, proportionate and dissuasive criminal penalties. Where possible, the average of current penalty levels in Member States was taken as a guiding principle for the establishment of the penalties.

Paragraph 3 aims at Member States taking measures to ensure that the offences referred to in Articles 3 and 4 can be subject to additional penalties and measures to allow for a tailored response to different types of criminal behaviour.

Article 6: Liability of legal persons

This article contains obligations to ensure the liability of legal persons for offences referred to in Articles 3 and 4 where such offences have been committed for their benefit. This article also provides that Member States should make sure that legal persons can be held accountable for a lack of supervision and control that has made possible the commission of an offence referred to in Article 3 and 4. Furthermore, the liability of the legal person should not exclude criminal proceedings against natural persons.

Article 7: Penalties for legal persons

This article sets out penalties applicable to legal persons involved in the criminal offences covered by this proposal.

Article 8: Aggravating circumstances

This article sets out the aggravating circumstances to be taken into account when penalties are applied to an offence referred to in Articles 3 and 4.

Article 9: Mitigating circumstances

This article sets out mitigating circumstances to be considered when penalties are applied to an offence referred to in Articles 3 and 4.

Article 10: Investigative tools

This provision lays down that special investigative tools must be made available for the investigation of the offences referred to in Articles 3 and 4.

Article 11: Managing and disposal

This provision translates Article 6 of the UN Firearms Protocol on managing and disposal of firearms.

Article 12: Limitation periods

This article lays down provisions on limitation periods in order to allow the competent authorities to investigate, prosecute and adjudicate the criminal offences covered by this proposal during a certain time period.

Article 13: Jurisdiction

This article lays down provisions on jurisdiction to make sure that Member States establish jurisdiction for offences covered by the proposal and that they inform the Commission if they decide to extend this jurisdiction in specific cases where the offence is committed outside their territory.

Article 14: Training

This provision aims at enhancing training activities along the enforcement chain to ensure that all parties involved have the necessary specialised skills and abilities to perform their roles effectively.

Article 15: Coordination and cooperation between competent authorities within a Member State

This provision requires Member States to establish one central National Firearms Focal Point which needs to ensure coordination and cooperation at strategic and operational level among all their competent authorities involved in the prevention of, and the fight against, criminal firearms-related offences.

Article 16: Cooperation between Member States and the Commission, and Union bodies or agencies

This provision describes the need for cross-border cooperation for those offences which are suspected of having a cross-border nature. The provision also requires the binding establishment of National Firearms Focal Points in the Member States. Furthermore, the provision also establishes that Member States can cooperate in regard to the joint testing of blueprints suspected to be designed to privately manufacture firearms, essential components or ammunition.

Article 17: registering seized firearms and delegated acts

This provision establishes the obligation to use a minimum dataset when registering seized firearms. The minimum dataset is defined in the Annex. Therefore, the provision also includes the possibility to amend the Annex via a delegated act.

Article 18: Statistical data

This provision addresses the need to systematically collect statistical data on criminal firearm-related offences. It requires Member States to collect, publish and send relevant statistical data to the Commission at least every five years. It also establishes an obligation to transmit the

information on registered seized firearms to Europol. This provision also establishes the requirement for Member States to keep the data for at least 20 years. Lastly, the provision obliges the Commission to, at least every five years, publish a report based on the statistical data transmitted by the Member States.

Article 19: Exercise of the delegation

This article establishes the condition for the adoption of the delegated acts can be created and amended.

Article 20: Amendment to other instrument

This provision amends the existing Directive (EU) 2024/1260⁽¹⁴⁾, to include to offences established by Article 3 and 4 of this initiative.

Article 21: Reporting

This article sets out the obligation for the Commission to submit a report to the European Parliament and the Council about the added value of the Directive in the eighth year following the entry into force of the Directive, and every five years thereafter. This report shall contain information submitted by the Member States on statistics and implementation.

Article 22, 23 and 24

These articles contain further provisions on transposition by Member States, entry into force and addressees of the Directive.

Annex: Minimum dataset for registering seized firearms

The Annex contains the minimum dataset that Member States must use to register seized firearms linked to a criminal context.

⁽¹⁴⁾ Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation, (OJ L, 2024/1260, 2.5.2024)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on combating firearms trafficking and other firearms-related offences and amending
Directive (EU) 2024/1260 of the European Parliament and of the Council**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union⁽¹⁾, and in particular Article 83(1) and (2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee⁽²⁾,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Pursuant to Article 3 of the Treaty on the European Union (TEU), the Union is to offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.
- (2) Firearms trafficking is an area of particularly serious crime as recognised in the Treaty on the Functioning of the European Union (TFEU), and is often committed within the framework of organised crime or in connection to terrorism. Preventing and combating firearms trafficking is a priority for the Union and the Member States.
- (3) The rise in firearms trafficking and other firearms-related offences and their effects, which undermine the effectiveness of Union firearms law, is a matter of continuing concern in the Union. Such offences increasingly extend beyond the borders of the Member States in which they are committed. Such offences pose a threat to the Union citizens and therefore necessitate an appropriate and effective response, which often requires effective cross-border cooperation.
- (4) Illicit manufacturing of firearms includes the private manufacturing of firearms, essential components and ammunition using a 3D printer, Computer Numerical Cutting (CNC) metal milling machine or similar computer-operated system, without an authorisation as dealer. Blueprints are an essential prerequisite for this type of production. Blueprint-based illicit manufacturing is becoming an increasingly important source of firearms for use by organised crime and terrorism, producing firearms that are unknown and untraceable from the outset.
- (5) In accordance with Council Decision 2001/748/EC⁽³⁾ the Commission signed the United Nations Protocol against the Illicit Manufacturing of and Trafficking in

⁽¹⁾ OJ L 308, 29.11.2022, p. 18.

⁽²⁾ OJ C [...], [...], p. [...]

Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (the ‘UN Firearms Protocol’). The Union ratified the UN Firearms Protocol by Council Decision 2014/164/EU⁽⁴⁾.

- (6) Article 5 of the UN Firearms Protocol requires States Parties to criminalise illicit manufacturing of firearms, illicit trafficking of firearms, falsifying or illicitly obliterating, removing or altering the markings on firearms, attempting to commit or participate in one of those criminal offences, and organising, directing, aiding, abetting, facilitating or counselling the commission of those criminal offences.
- (7) Directive (EU) 2021/555 of the European Parliament and of the Council⁽⁵⁾ only permits the manufacture, trade, exchange, hiring out, repair, modification or conversion of firearms or essential components, and the manufacture, trade, exchange, modification or conversion of ammunition if a specific dealer authorisation is granted. That Directive also only allows the negotiation or arrangement of transactions for the purchase, sale or supply of firearms, essential components or ammunition, and arranging the transfer of firearms, essential components or ammunition if a specific broker authorisation is granted.
- (8) Directive (EU) 2021/555 only permits the acquisition and possession of firearms in specific circumstances and requires Member States to lay down rules on penalties applicable to infringements of the national provisions adopted pursuant to Directive (EU) 2021/555. Directive (EU) 2021/555 allows Member States to adopt a legislation more stringent than that Directive.
- (9) Regulation (EU) 2025/41 of the European Parliament and of the Council⁽⁶⁾ only permits the import, export and transit of firearms, essential components and ammunition if a specific authorisation is granted.
- (10) In order to ensure the integrity of the internal market within the Union in line with Directive (EU) 2021/555 and Regulation (EU) 2025/41, while also achieving a high level of security within the area of freedom, security and justice, and having regard to the UN Firearms Protocol, it is necessary to establish minimum rules concerning the definition of firearms-related criminal offences and penalties for the effective enforcement of those instruments.
- (11) In the context of those instruments, illicitly reactivating deactivated firearms should be considered as illicit manufacturing as the reactivation done without the required

⁽³⁾ Council Decision 2001/748/EC of 16 October 2001 concerning the signing on behalf of the European Community of the United Nations Protocol on the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, annexed to the Convention against transnational organised crime (OJ L 280, 24.10.2001, p. 5, ELI: <http://data.europa.eu/eli/dec/2001/748/oj>).

⁽⁴⁾ Council Decision 2014/164/EU of 11 February 2014 on the conclusion, on behalf of the European Union, of 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 (OJ L 89, 25.3.2014, p. 7, ELI: <http://data.europa.eu/eli/dec/2014/164/oj>).

⁽⁵⁾ Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons (OJ L 115, 6.4.2021, p. 1, ELI: <http://data.europa.eu/eli/dir/2021/555/oj>).

⁽⁶⁾ Regulation (EU) 2025/41 of the European Parliament and of the Council of 19 December 2024 on import, export and transit measures for firearms, essential components and ammunition, implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol) (OJ L, 2025/41, 22.1.2025, ELI: <http://data.europa.eu/eli/reg/2025/41/oj>).

authorisation under Directive (EU) 2021/555 involves a manipulation which is considered as manufacturing. Illicit brokering of firearms should be considered as illicit firearms trafficking as the prerequisite for trade is having a license as a broker, in accordance with Directive (EU) 2021/555. Illicit dealing should be considered as, either, illicit firearms trafficking or illicit manufacturing or both as the prerequisite for both manufacturing and trade is having a license as dealer in accordance with Directive (EU) 2021/555. Violation of an arms embargo should be considered as illicit firearms trafficking as exports towards countries under arms embargoes should not be granted an authorisation. The lack of an authorisation is an essential element in the definition of firearms trafficking.

- (12) The rights of citizens who legally possess, use, manufacture and trade firearms, essential components or ammunition in accordance with Directive (EU) 2021/555 and Regulation (EU) 2025/41 should not be affected.
- (13) New technologies enabling the private manufacturing of firearms, essential components and ammunition, such as 3D printing, also called additive manufacturing, have emerged during the last years and are becoming increasingly more accessible and affordable. This technology relies on digital blueprints which can be downloaded, distributed and used to illicitly produce firearms. Taking into account the evolution of the threat, and in accordance with the recommendations made in UN Resolution 12/3⁽⁷⁾ adopted at the 12th session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime held in Vienna from 14 to 18 October 2024, the possession, accessing, distribution and creation of blueprints should be criminalised in all Member States.
- (14) Particular emphasis should be placed on dissemination of blueprints due to its inherently expansive nature. Once a blueprint is shared online, it rapidly becomes uncontrollable, creating a cycle where it is copied and spread across numerous platforms, evading traditional oversight. The dissemination of blueprints should therefore constitute a criminal offence in any circumstance, conversely to the offences of the creation, acquiring, possession, and sharing of blueprints. The focus should be on preventing dissemination by establishing stringent liability standards that require negligence over criminal intent to constitute an offence.
- (15) Additive manufacturing methods, such as 3D printing, can be a valuable driver for industrial production and innovation. Any restrictions in terms of its use, should not affect the legitimate use by the firearms dealers authorised through in accordance with Directive (EU) 2021/555 or other authorised legal or natural persons. It should not target the research and innovative development of the sector.
- (16) Penalties and measures should be provided for natural and legal persons being liable for such offences, which reflect the seriousness of such offences, and should be effective, dissuasive and proportionate.
- (17) To that end, minimum levels for the maximum term of imprisonment should be set for natural persons. In view of the potential harm that a firearm can cause, which includes serious injury and death, and of the long lifespan of firearms, it is appropriate to set minimum levels that reflect the risk to life associated with firearms-related offences and that are proportionate to the specific risk, the seriousness and the degree of

⁽⁷⁾ Resolution 12/3 Enhancing measures, including under the Firearms Protocol, to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in view of technological developments, The Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

illegality of the offence. The maximum terms of imprisonment provided for in this Directive for the criminal offences committed by natural persons should apply at least to the most serious forms of such offences. This Directive does not set any requirements for the minimum level of penalties that Member States should apply beyond the need to ensure that penalties must be effective, dissuasive and proportionate overall.

- (18) Given that legal persons are also subject to Union firearms legislation, such legal persons should be held liable for offences related to the violation of Union firearms legislation as defined and provided for in this Directive. With regard to criminal offences and penalties defined in this Directive, the term ‘legal persons’ should be understood as any legal entity having such status under the applicable national law, except for States or public bodies exercising State authority or public international organisations. As this Directive establishes minimum rules, Member States can adopt more stringent rules, including rules on criminal liability for public bodies.
- (19) To the extent that conduct constituting firearms trafficking and other firearms-related criminal offences is attributable to legal persons, such legal persons should be held liable for such an offence only where all the constituent elements of the criminal offences set out in Article 3 are met. Liability should ensure accountability, prevent and dissuade further criminal offences. In order to achieve the objectives of this Directive, Member States whose law provides for the criminal liability of legal persons should ensure that their law provides for effective, dissuasive and proportionate types and levels of criminal penalties. In order to achieve the objectives of this Directive, Member States whose law does not provide for the criminal liability of legal persons should ensure that their law provides for effective, dissuasive and proportionate types and levels of non-criminal penalties. To that end, minimum amounts for the maximum levels of fines should be set. The maximum levels of fines provided for in this Directive for the criminal offences should apply at least to the most serious forms of such offences, as specified by the Directive. The gravity of the conduct, as well as the individual, financial and other circumstances of the legal persons concerned, should be taken into account to ensure that the penalty imposed is effective, dissuasive and proportionate. Member States should be able to set the maximum levels of fines either as a percentage of the total worldwide turnover of the legal person concerned, or in fixed amounts.
- (20) When implementing the criterion of the total worldwide turnover in relation to the fines to be imposed on legal persons, Member States should decide whether to calculate that turnover based on the business year preceding that in which the criminal offence was committed, or on the business year preceding that of the decision to impose the fine. This should be left at the discretion of the judiciary. Member States should also consider providing for rules for cases where it is not possible to determine the amount of a fine on the basis of the total worldwide turnover of the legal person in the business year preceding that in which the criminal offence was committed, or in the business year preceding that of the decision to impose the fine. In such cases, Member States should be able to take into account other criteria, such as total worldwide turnover in a different business year.
- (21) Firearms have a long lifespan. Once they are diverted to the illegal market, they can cause damage for decades. Therefore, the standard percentage rates for fines linked to worldwide turnover, used in internal market instruments, should not apply for these crimes.

- (22) Member States should lay down in national law the maximum level of fines set in fixed amounts. The highest levels of such fines should apply to the most serious forms of criminal offences committed by legal persons of financial strength. Member States should be able to determine the method of calculation of those highest levels of fines. Member States should take measures to ensure regular review of the levels of fines set in fixed amounts having regard to rates of inflation and other fluctuations in monetary value, in accordance with procedures laid down in their national law. Member States that do not have the euro as their currency should provide for maximum levels of fines in their currency that correspond to the levels determined in this Directive in euro on the date of its entry into force. Those Member States should regularly review the levels of fines also with regard to the development of the exchange rate.
- (23) The establishment of the minimum amount for the maximum level of fines in the Directive should not affect the discretion of judges or courts in criminal proceedings to impose appropriate penalties in individual cases. As this Directive does not impose any requirement concerning the minimum level of fines set in national law for firearms-related offences committed by legal persons, the judges or courts should, in any case, impose appropriate penalties taking into account the individual, financial and other circumstances of the legal person concerned and the gravity of the conduct.
- (24) To ensure complete accountability, the fact that legal persons are held liable under this Directive should not preclude criminal proceedings being taken against natural persons who commit, incite or are accessories to the criminal offences defined in this Directive. Where the conditions for criminal liability are met, such natural persons should be understood to include corporate board members.
- (25) Penalty levels imposed should be further approximated and the effectiveness of such levels should be fostered through introducing common aggravating circumstances that reflect the gravity of the criminal offence committed. The notion of ‘aggravating circumstances’ should be understood either as facts enabling the judge to pronounce more severe sentences for the same criminal offence than the sentence normally imposed without such facts, or as the possibility to treat several criminal offences cumulatively in order to increase the level of penalty. Therefore, Member States are not obliged to provide for specific aggravating circumstances where national law already provides for separate criminal offences that can lead to more severe penalties.
- (26) Member States should ensure that at least one of the aggravating circumstances provided for in this Directive is provided for as a possible aggravating circumstance in accordance with applicable rules in their legal system. In any case, it should remain within the discretion of the judge or the court to determine whether to increase or to decrease the sentence, taking into account the specific circumstances in each individual case.
- (27) When a high number of firearms is discovered during an investigation, this should be considered an aggravating circumstance. To that end, Member States should have a common understanding of what a high number of firearms means.
- (28) Accessory penalties or measures other than financial penalties are often more effective than the latter, especially for legal persons. Accessory penalties or measures other than financial penalties should therefore be available in the relevant proceedings. Those penalties or measures could include the exclusion from certain benefits or funding, the withdrawal of permits and authorisations to pursue activities, the confiscation of firearms (regardless whether held legally or illegally), the withdrawal or refusal of the firearms authorisation, deprivation of rights linked to the possession and use of

firearms, and prohibition to engage in certain professional activities. This should not affect the discretion of judges or courts in criminal proceedings to impose appropriate penalties in individual cases.

- (29) This Directive should apply without affecting the general rules and principles of national criminal law on the sentencing or the execution of sentences in accordance with the specific circumstances in each individual case. It should be possible for Member States to determine the most appropriate types of accessory penalties or measures. In particular, if the withdrawal of permits and authorisations to pursue activities that resulted in the relevant criminal offence can be imposed as a penalty under national law, Member States should ensure that judges or courts are able to either impose such a penalty themselves or that another competent authority is informed and can act in accordance with national procedural rules.
- (30) To ensure effective investigations and prosecution of firearms trafficking and other firearms-related criminal offences, those responsible for investigating or prosecuting such offences should have the possibility to make use of effective investigative tools such as those which are used in combating organised crime or other serious crimes. Such tools should, where appropriate, include, for example, the search of any personal property, the interception of communications, covert surveillance including electronic surveillance, the taking and the keeping of audio recordings, in private or public vehicles and places, and of visual images of persons in public vehicles and places, controlled deliveries, and financial investigations.
- (31) Member States should be able to take all the necessary measures in accordance with Directive (EU) 2024/1260 of the European Parliament and of the Council⁽⁸⁾. To ensure terminological consistency with other firearms legislative instruments such as the UN Protocol and the Firearms Regulation, the term "seizure" should be used in this Directive. In the context of seizing firearms, essential components and ammunition, 'seizing' should be understood as 'freezing' as outlined in Directive (EU) 2024/1260.
- (32) In order to ensure that the competent authorities have sufficient time to conduct complex investigations and prosecutions, Member States should lay down rules concerning limitation periods necessary to combat firearms offences effectively, without affecting national rules that do not set limitation periods for investigation, prosecution and enforcement. As a general rule, a limitation period runs from the point in time the criminal offence was committed. However, as this Directive establishes minimum rules, Member States can provide for the limitation period to start later, namely from the point in time the criminal offence was detected, provided that such point in time of detection is clearly determined in accordance with national law. Member States are permitted under this Directive to establish limitation periods shorter than those laid down in this Directive, provided that in their legal systems it is possible to interrupt or suspend such shorter limitation periods in the event of acts which can be specified in accordance with national law.
- (33) Given, in particular, the mobility of offenders, together with the cross-border nature of criminal offences defined in this Directive and the possibility of cross-border investigations being carried out, Member States should establish jurisdiction in order to combat such offences effectively. Where a criminal offence falls within jurisdiction of more than one Member State, the Member States concerned should cooperate to determine which Member State is best placed to prosecute, including via Eurojust's

⁽⁸⁾ Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation, (OJ L, 2024/1260, 2.5.2024, ELI: <http://data.europa.eu/eli/dir/2024/1260/oj>)

assistance on the basis of Regulation (EU) 2018/1727 of the European Parliament and of the Council⁽⁹⁾. A given Member State should establish jurisdiction over criminal offences committed on board a ship or an aircraft registered in that Member State, or flying its flag, taking into account related standards under relevant international conventions.

- (34) Lack of resources and enforcement powers for national authorities which detect, investigate, prosecute or adjudicate firearms-related criminal offences creates obstacles for the effective prevention and sentencing of those offences. In particular, the shortage of resources is capable of preventing authorities from taking any action or of limiting their enforcement actions, allowing offenders to escape liability or to receive a sentence that does not correspond to the gravity of the criminal offence. Member States should ensure that national authorities which detect, investigate, prosecute or adjudicate firearms-related criminal offences have a sufficient number of qualified staff and sufficient financial, technical and technological resources for the effective performance of their functions related to the implementation of this Directive. They should also ensure the adequate level of specialisation of those authorities in the area of firearms-related criminal offences, in accordance with national law. Therefore, Member States should establish minimum criteria concerning resources and enforcement powers. In this context, account should be taken of the constitutional traditions and of the structure of the legal system of Member States, as well as other national circumstances.
- (35) The establishment or designation of National Firearms Focal Points is an essential tool for cross-border cooperation as recognised in policy instruments. Each Member State should therefore establish such a National Firearms Focal Point tasked with similar responsibilities. The main aim is to provide a comprehensive approach to the integral control of firearms. This should be done at a strategic and operational level by means of a co-ordinated collection, analysis and sharing of information to enhance the knowledge of the threats, and to better inform national law enforcement agencies. The National Firearms Focal Point can also be the national body of single point of contact referred to in Article 13 of the UN Firearms Protocol.
- (36) The cross-border nature of firearms trafficking and other firearms-related criminal offences requires a strong coordinated response and cooperation within and between the Member States, as well as with and among the relevant Union agencies and bodies to counter firearms trafficking, including Eurojust, the European Union Agency for Law Enforcement Cooperation (Europol) established by Regulation (EU) 2016/794 of the European Parliament and of the Council⁽¹⁰⁾, and the European Public Prosecutor's Office, within their respective competences and in accordance with the applicable legal framework, and with neighbouring countries, in particular enlargement partners. To that end, efficient use of the available tools and resources for cooperation should be made, such as joint investigation teams and coordination meetings facilitated by Eurojust. The global character of firearms trafficking and other firearms-related criminal offences necessitates an international answer, requiring the Union and its

⁽⁹⁾ Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138, , ELI: <http://data.europa.eu/eli/dec/2014/164/oj>).

⁽¹⁰⁾ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council (OJ L 135, 24.5.2016, pp. 53–114 <http://data.europa.eu/eli/reg/2016/794/oj>)

Member States to strengthen cooperation with relevant third countries. A strong coordinated response and cooperation is also necessary with a view to securing and obtaining electronic evidence.

- (37) Member States should only criminalise the unauthorised creating, acquiring, possessing, and sharing of blueprints that are designed for the manufacturing of live-firing firearms, essential components or ammunition. Member States may decide to create dedicated authorisations for natural and/or legal person to engage with these blueprints in a legal manner. This is especially important to allow research institutions and the firearms industry to further develop additive manufacturing production methods. Member States may cooperate to facilitate the joint testing of blueprints and the mutual recognition of the results of these tests.
- (38) The implementation of criminal law measures adopted under this Directive should be proportional to the nature and circumstances of the criminal offence, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness, racism or discrimination.
- (39) To effectively address the criminal offences defined in this Directive, it is necessary that competent authorities in the Member States collect accurate, consistent and comparable statistical data on those offences. Member States should therefore ensure that an adequate digital system is in place for the recording, production and transmission of existing statistical data on the criminal offences defined in this Directive. It is important that those statistical data are used by Member States to serve the strategic and operational planning of enforcement activities, to analyse the scale of and trends in those offences, as well as for providing information to citizens.
- (40) To develop a comprehensive picture of the threat pertaining to firearms-related criminal offences and guide policy making in a timely manner, Member States should transmit statistical data on those offences to the Commission six years following transposition, and every five years thereafter.
- (41) Data on seizures of firearms should be available in a Union repository to facilitate cooperation between Member States, in particular cross-border investigations, prosecutions and convictions of firearms-related offences.
- (42) In order to ensure that the most relevant statistical data are collected, developed, produced and disseminated, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission to amend the Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁽¹¹⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (43) Directive (EU) 2024/1260 is already applicable to the UN Firearms Protocol. As this Directive implements the UN Firearms Protocol and supplements it, the scope of the Asset Recovery Directive should be amended to also include this Directive.

⁽¹¹⁾ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

- (44) Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the need for Union-wide harmonised rules, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (45) This Directive respects the fundamental rights, specifically Article 16 and 17 of the Charter on fundamental rights of the EU, respectively referring to the freedom to conduct a business and recognising the right to property. Furthermore, this Directive observes the principles as recognised in particular by the Charter, including the protection of personal data, the freedom of expression and information, the freedom to conduct a business, the right to an effective remedy and to a fair trial, the presumption of innocence and right of defence, the principles of legality and proportionality of criminal offences and penalties, and the right not to be tried or punished twice in criminal proceedings for the same offence. This Directive seeks to ensure full respect for those rights and principles and should be implemented accordingly.
- (46) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.
- (47) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application..] OR [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, Ireland has notified [, by letter of ...,] its wish to take part in the adoption and application of this Directive.]

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

This Directive establishes minimum rules concerning the definition of criminal offences and penalties in the area of firearms, as well as measures to improve cross-border cooperation and rules for the establishment of a minimum dataset on firearms seizures.

Article 2

Definitions

For the purpose of this Directive, the following definitions apply:

1. ‘firearm’ means a firearm as defined in Article 1(1), point (1), of Directive (EU) 2021/555
2. ‘essential component’ means an essential component as defined in Article 1(1), point (2), of Directive (EU) 2021/555;
3. ‘ammunition’ means ammunition as defined in Article 1(1), point (3), of Directive (EU) 2021/555;
4. ‘blueprint’ means digital technical design files capable of being used with, or which can be recognised by appropriate software by a 3D printer, a Computer Numerical Cutting (CNC)

metal milling machine or similar computer-operated system for the purpose of manufacturing firearms, essential components or ammunition;

5. ‘disseminating’ means making available to the public;

6. ‘legal person’ means any legal entity having such status under the applicable national law, except States or public bodies exercising State authority and public international organisations;

Article 3

Firearms-related criminal offences

1. Member States shall ensure that, where it is intentional, any of the following acts constitute a criminal offence, irrespective of whether it was committed online or offline:
 - (a) the manufacturing or assembly of firearms, their essential components or ammunition carried out under any of the following circumstances:
 - (i) from any essential component of such firearms illicitly trafficked; or
 - (ii) without an authorisation issued in accordance with Article 4 of Directive (EU) 2021/555 by a competent authority of the Member State where the manufacture or assembly takes place; or
 - (iii) without marking firearms and essential components at the time of manufacture in accordance with Article 4 of Directive (EU) 2021/555;
 - (b) firearms trafficking, meaning the import, export, acquisition, sale, delivery, movement or transfer of firearms, essential components or ammunition from or through the territory of one Member State, or third country, to that of another Member State or third country, carried out under any of the following circumstances:
 - (i) any of the Member States or third countries concerned does not authorise it in accordance with Directive (EU) 2021/555, Regulation (EU) 2025/41, the UN Firearms Protocol or applicable national laws; or
 - (ii) the firearms, essential components or ammunition are not marked in accordance with Article 4 of Directive (EU) 2021/555 or Article 6 of Regulation (EU) 2025/41;
 - (c) falsifying or illicitly obliterating, removing or altering the marking(s) on firearms and essential components;
 - (d) possession of firearms, their essential components and ammunition without authorisation or declaration in accordance with Directive (EU) 2021/555;
 - (e) creating, acquiring, possessing or sharing, a blueprint without authorisation;
 - (f) dissemination of blueprints knowing that the blueprints may be used for the purpose of committing any of the offences referred to in points (a), (b), (d) and (e).
2. Member States shall ensure that the conduct referred to in paragraph 1 point (f), also constitutes a criminal offence where it is committed with at least serious negligence.

Article 4

Inciting, aiding and abetting, and attempting

1. Member States shall ensure that inciting, aiding and abetting, the commission of a criminal offence referred to in Article 3 is punishable as a criminal offence, irrespective of whether it was committed online or offline.
2. Member States shall ensure that an attempt to commit a criminal offence referred to in Article 3(1) is punishable as a criminal offence, irrespective of whether it was committed online or offline.

Article 5

Penalties for natural persons

1. Member States shall take the necessary measures to ensure that the criminal offences referred to in Articles 3 and 4, are punishable by effective, proportionate and dissuasive criminal penalties.
2. Member States shall take the necessary measures to ensure that:
 - (a) the criminal offences referred to in Article 3(1), points (a) and (b) are punishable by a maximum term of imprisonment of at least eight years;
 - (b) the criminal offence referred to in Article 3(1), point (c), is punishable by a maximum term of imprisonment of at least four years;
 - (c) the criminal offence referred to in Article 3(1), point (d) is punishable by a maximum term of imprisonment of at least five years;
 - (d) the criminal offences referred to in Article 3(1), points (e) and (f), are punishable by a maximum term of imprisonment of at least two years.
3. Member States shall ensure that natural persons who have committed the criminal offences as referred to in Articles 3 and 4 may be subject to accessory criminal or non-criminal penalties or measures including the following:
 - (a) fines that are proportionate to the gravity of the act and to the individual financial and other circumstances of the natural person concerned and, where relevant, that are determined taking due account of the gravity and duration of the damage caused;
 - (b) exclusion from access to public funding, including tender procedures, grants, concessions and licences;
 - (c) disqualification from holding, within a legal person, a leading position of the same type used for committing the criminal offence;
 - (d) withdrawal of permits and authorisations to possess and use any firearm, essential component or ammunition;
 - (e) temporary bans on running for public office;
 - (f) where there is a public interest, following a case-by-case assessment, publication of all or part of the judicial decision that relates to the criminal offence committed and the penalties or measures imposed, which may include the personal data of convicted persons only in duly justified exceptional cases.

Article 6

Liability of legal persons

1. Member States shall ensure that legal persons can be held liable for the criminal offences referred to in Articles 3 and 4 where the criminal offences have been committed for the benefit of those legal persons by a person who has a leading position therein (the 'leading person') and who acts individually or as part of an organ of that legal person on the basis of any of the following:
 - (a) a power of representation of the legal person;
 - (b) an authority to take decisions on behalf of the legal person;
 - (c) an authority to exercise control within the legal person.
2. Member States shall ensure that legal persons can be held liable for criminal offences referred to in Articles 3 and 4 where the lack of supervision or control by a leading person has made possible, by a person under their authority, the commission of a criminal offence referred to in Articles 3 and 4, for the benefit of that person, a third person, or that legal person.
3. The liability of legal persons under paragraphs 1 or 2 shall not preclude criminal proceedings against natural persons who commit, incite or are accessories to the criminal offences referred to in Articles 3 and 4.

Article 7

Penalties for legal persons

1. Member States shall ensure that where a legal person is held liable pursuant to Article 6(1) and (2), the criminal offence is punishable by effective, proportionate and dissuasive criminal or non-criminal penalties or measures.
2. Effective, proportionate and dissuasive criminal or non-criminal penalties or measures may include criminal or non-criminal fines and shall include accessory criminal or non-criminal penalties or measures, such as:
 - (a) exclusion from entitlement to public benefits or aid;
 - (b) exclusion from access to public funding, including tender procedures, grants and concessions;
 - (c) disqualification from the practice of business activities;
 - (d) withdrawal of permits and authorisations to pursue activities which have resulted in the criminal offence;
 - (e) placing under judicial supervision;
 - (f) judicial winding-up;
 - (g) closure of establishments used for committing the criminal offence;
 - (h) where there is a public interest, publication of all or part of the judicial decision relating to the criminal offence committed and the penalties or measures imposed, without affecting the rules on privacy and the protection of personal data.
3. Member States shall ensure that where a legal person is held liable pursuant to Article 6 for criminal offences referred to in Article 3, the criminal offence is

punishable by criminal or non-criminal fines. The amount of such fines shall be proportionate to the gravity of the act and to the individual, financial and other circumstances of the legal person.

4. Member States shall ensure that for criminal offences referred to in Article 3(1), points (a) and (b), the maximum level of fines referred to in paragraph 3 of this Article is not less than one of the following amounts, whichever is higher:
 - (a) 20% of the total worldwide turnover of the legal person, either in the business year preceding that in which the criminal offence was committed or in the business year preceding the decision to impose the fine;
 - (b) an amount corresponding to EUR 10 million;
5. Member States shall ensure that for criminal offences referred to in Article 3(1), points (c) to (f), the maximum level of fines referred to in paragraph 3 of this Article is not less than one of the following amounts, whichever is higher:
 - (a) 10% of the total worldwide turnover of the legal person, either in the business year preceding that in which the criminal offence was committed or in the business year preceding that of the decision to impose the fine;
 - (b) an amount corresponding to EUR 5 million.
6. Member States may establish rules for cases where it is not possible to determine the amount of the fine on the basis of the total worldwide turnover of the legal person in the business year preceding that in which the criminal offence was committed or in the business year preceding that of the decision to impose the fine.

Article 8

Aggravating circumstances

To the extent that the following circumstances do not form part of the constituent elements of the criminal offences referred to in Articles 3 and 4, Member States shall take the necessary measures to ensure that, in relation to the criminal offences referred to in Articles 3, one or more of the following circumstances can, be regarded as an aggravating circumstance:

- (a) the criminal offence involves 10 or more firearms;
- (b) the criminal offence involves Category A firearms, as set out in Annex I of Directive (EU) 2021/555;
- (c) the criminal offence relates to a terrorist offence as defined in Article 3 of Directive (EU) 2017/541 of the European Parliament and of the Council⁽¹²⁾;
- (d) the criminal offence was committed in the framework of a criminal organisation as defined in Article 1, point 1 of Council Framework Decision 2008/841/JHA;
- (e) the criminal offence caused serious physical injury to a person;
- (f) the criminal offence caused the death of a person;
- (g) the criminal offence involves the corruption of public officials;

⁽¹²⁾ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

- (h) the criminal offence was committed by a public official when performing his or her duties;
- (i) the criminal offence was committed by a natural or legal person that had previously been convicted by a final judgment of criminal offences referred to in Article 3 or Article 4;
- (j) the firearms are trafficked to or from a conflict or post-conflict area.

Article 9

Mitigating circumstances

Member States shall take the necessary measures to ensure that, in relation to the criminal offences referred to in Articles 3 and 4, providing the administrative or judicial authorities with information which they would not otherwise be able to obtain can be regarded as a mitigating circumstance, provided that the information is capable of contributing to any of the following:

- (a) preventing or mitigating the effects of the criminal offence;
- (b) identifying or bringing to justice other offenders;
- (c) finding evidence;
- (d) preventing further criminal offences referred to in Article 3.

Article 10

Investigative tools

Member States shall take the necessary measures to ensure that effective and proportionate investigative tools, including tools which are used for organised crime or other serious crime cases, are available to persons, units or services responsible for investigating or prosecuting the criminal offences referred to in Articles 3 and 4.

Article 11

Management and disposal

Member States shall adopt, within their national legal systems, the measures necessary to prevent illicitly manufactured and trafficked firearms, essential components and ammunition seized and confiscated by their authorities from falling into the hands of unauthorised persons including measures to destroy those firearms, essential components and ammunition. Member States may decide on other ways of disposal, provided that the firearms or essential components have been marked and the methods of disposal of those firearms, essential components and ammunition have been recorded.

Article 12

Limitation periods

1. Member States shall take the necessary measures to provide for a sufficient limitation period after the commission of criminal offences referred to in Articles 3 and 4, which is commensurate to the gravity of the criminal offences and that enables the investigation, prosecution, trial and adjudication of those criminal offences to be tackled effectively. Member States shall take the necessary measures to provide for a

sufficient limitation period following a final conviction for criminal offences referred to in Articles 3 and 4 that enables the enforcement of the penalties imposed.

2. The limitation period referred to in paragraph 1, first sentence, for the criminal offences referred to in Article 3 shall be as follows:
 - (a) at least eight years from the commission of a criminal offence punishable by a maximum term of imprisonment of at least eight years;
 - (b) at least five years from the commission of a criminal offence punishable by a maximum term of imprisonment of at least five years;
 - (c) at least four years from the commission of a criminal offence punishable by a maximum term of imprisonment of at least four years;
 - (d) at least two years from the commission of a criminal offence punishable by a maximum term of imprisonment of at least two years.
3. The limitation period referred to in paragraph 1, second sentence, for the criminal offences referred to in Article 3 shall be as follows:
 - (a) at least eight years from the date of the final conviction in either of the following cases:
 - (i) a penalty of imprisonment of more than five years,
 - (ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of imprisonment of at least eight years;
 - (b) at least five years from the date of the final conviction in either of the the following cases:
 - (i) a penalty of imprisonment of more than one year,
 - (ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of imprisonment of at least five years;
 - (c) at least four years from the date of the final conviction in either of the following cases:
 - (i) a penalty of imprisonment of up to one year,
 - (ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of imprisonment of at least four years.
 - (d) at least two years from the date of the final conviction in either of the following cases:
 - (i) a penalty of imprisonment of up to one year,
 - (ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of imprisonment of at least two years.
4. The limitation periods for the criminal offences referred to in Article 4 shall correspond to the limitation period established for the related criminal offence referred to in Article 3.
5. By way of derogation from paragraph 2, point (a) and paragraph 3, point (a), Member States may establish a limitation period that is shorter than eight years, but not shorter than four years, provided that such limitation period may be interrupted or suspended in the event specified acts.

Article 13

Jurisdiction

1. Each Member State shall establish its jurisdiction over the criminal offences referred to in Articles 3 and 4 where any of the following applies:
 - (a) the criminal offence was committed in whole or in part within its territory;
 - (b) the criminal offence was committed on board a ship or an aircraft registered in that Member State or flying its flag;
 - (c) the offender is one of its nationals.
2. A Member State shall inform the Commission where it decides to extend its jurisdiction to one or more criminal offences referred to in Articles 3 and 4 which have been committed outside its territory, where any of the following applies:
 - (a) the offender is a habitual resident in its territory;
 - (b) the criminal offence is committed for the benefit of a legal person established in its territory;
 - (c) the criminal offence is committed for the benefit of a legal person in respect of any business done in whole or in part on its territory;
 - (d) the criminal offence is committed against one or more of its nationals or habitual residents.
3. In cases referred to in paragraph 1(c), each Member States shall take the necessary measures to ensure that the exercise of their jurisdiction is not subject to either of the following conditions:
 - (a) the acts are a criminal offence at the place where they were carried out;
 - (b) the prosecution can be initiated only following a transmission of information from the State of the place where the criminal offence was committed.
4. Where a criminal offence referred to in Articles 3 and 4 falls within the jurisdiction of more than one Member State, those Member States shall cooperate to determine which Member State is to conduct the criminal proceedings. The matter shall, where appropriate and in accordance with Article 12(2) of Council Framework Decision 2009/948/JHA⁽¹³⁾, be referred to Eurojust.

Article 14

Training

Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall take the necessary measures to ensure that specialised regular training is provided to judges, prosecutors, police and judicial staff and to competent authorities' staff involved in criminal proceedings and investigations with regard to the scope of this Directive as referred to in Article 1 and appropriate to the functions of such judges, prosecutors, police and judicial staff and competent authorities' staff.

⁽¹³⁾ Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42, ELI: http://data.europa.eu/eli/dec_framw/2009/948/oj).

Article 15

Coordination and cooperation between competent authorities within a Member State

1. Each Member State shall designate a single National Firearms Focal Point, for coordination and cooperation at strategic and operational levels among all its competent authorities involved in the prevention of, and the fight against, firearms-related criminal offences. The National Firearms Focal Point shall perform at least the following tasks:
 - (a) gather, analyse and exchange information on firearms, their essential components, ammunition, and blueprints for strategic and operational purposes, within the limits set out in Union and national law;
 - (b) ensure the creation and regular update of an intelligence picture of the threat related to firearms-related criminal offences;
 - (c) ensure the collection and recording of all information regarding seizures of firearms linked to criminal offences. This also requires all necessary access to national and international databases for the corresponding exchange of information, including the duties established in Article 17;
 - (d) support criminal investigations, within the limits set out in applicable Union and national law, with particular emphasis on the tracing of firearms, as defined in Article 1(1), point 13, of Directive (EU) 2021/555;
 - (e) be the national point of contact at technical level for the requests of international assistance, specifically those from the European groups of practitioners working on matters relevant to combating firearms-related criminal offences and related infringements;
 - (f) promote international cooperation.
2. Member States shall ensure that the National Firearms Focal Points are established with an appropriate structure such as a dedicated unit, department, or centre, and allocated with sufficient staff and resources to ensure their continuous operation and effective functioning.

Article 16

Cooperation between Member States and the Commission, and Union bodies, offices or agencies

1. Where the criminal offences referred to in Articles 3 and 4 are suspected to be of a cross-border nature, the competent authorities of the Member States concerned shall refer the information related to those offences to appropriate competent entities.
2. Without affecting the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States, Eurojust, Europol, the European Public Prosecutor's Office, and the Commission shall, within their respective scope of competences, cooperate with each other in the fight against the criminal offences referred to in Articles 3 and 4. To that end, Eurojust shall, where appropriate, provide the technical and operational assistance needed by the competent national authorities to facilitate coordination of their investigations. The Commission may, where appropriate, provide assistance.
3. Member States may decide to facilitate the joint testing of blueprints suspected to be designed for manufacturing firearms, essential components or ammunition.

Article 17

Registration of seized firearms

1. Member States shall ensure that seized firearms are registered using the minimum dataset set out in the Annex.
2. The Commission is empowered to adopt delegated acts, in accordance with Article 19, to amend the minimum dataset set out in the Annex, if analysis carried out on the gathered data show there is a data element lacking to obtain an intelligence picture on the threats.

Article 18

Statistical data

1. Member States shall ensure that a digital system is in place for the collection, development, productions and dissemination of anonymised statistical data on the criminal offences referred to in Articles 3 and 4.
2. By 31 July of the sixth year following transposition, and then every five years thereafter, Member States shall submit to the Commission the statistical data referred to in paragraph 1 for the five preceding years. Member States may submit to the Commission those data on a yearly basis. Those data shall, as a minimum, include existing data on:
 - (a) the number of criminal offences registered and adjudicated by the Member States, disaggregated by criminal offence;
 - (b) the number of court cases that are dismissed, including on the grounds of expiry of the limitation period for the criminal offence concerned, disaggregated by criminal offence;
 - (c) the number of prosecuted natural persons, disaggregated by criminal offence
 - (d) the number of convicted natural persons, disaggregated by criminal offence;
 - (e) the number of prosecuted legal persons, disaggregated by criminal offence;
 - (f) the number of convicted legal persons, disaggregated by criminal offence;
 - (g) types and levels of penalties imposed;
 - (h) the number of seized firearms.
3. Member States shall provide, in a digital manner, the data on seized firearms registered in accordance with Article 17(1) to Europol, at least once a month.
4. Member States shall keep the data referred to in paragraph 2, for at least 20 years

Article 19

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 17(2) shall be conferred on the Commission for an indeterminate period of time.

3. The delegation of power referred to in Article 17(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 17(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 20

Amendment to Directive (EU) 2024/1260

In Article 2(1) of Directive (EU) 2024/1260, the following point is added:

'Directive (EU) xxx/xxx of the European Parliament and the Council on combating firearms-related offences'

Article 21

Reporting

By 31 October [*eight year after the entry into force of this Directive*] and of every five years thereafter, the Commission shall submit a report to the European Parliament and to the Council, assessing the added value of this Directive with regard to combating firearms-related criminal offences.

By 31 July [*eight years after the date of entry into force of this Directive*] and every five years thereafter, Member States shall provide the Commission with necessary information for the preparation of that report, including a summary of the implementation of this Directive and actions taken in accordance with Articles 14 to 16, with particular attention given to cross-border cooperation. The Member States shall also provide specific information on the implementation of Article 8 and which effect the aggravating circumstances used had on the level of penalties. On the basis of the evaluation, the Commission shall, if necessary, decide on appropriate follow-up actions.

Article 22

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [*24 months after the date of*

entry into force of the Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 23

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 24

Addressees

This Directive is addressed to the Member States [in accordance with the Treaties].

Done at Brussels,

For the European Parliament
The President
[...]

For the Council
The President
[...]

LEGISLATIVE FINANCIAL AND DIGITAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Directive of the European Parliament and of the Council on combating firearms trafficking and firearms-related offences

1.2. Policy area(s) concerned

Firearms and criminal law are the main policy areas concerned. However others are also relevant: Internal security, organised crime, terrorism, drugs trafficking and asset recovery.

1.3. Objective(s)

1.3.1. General objective(s)

The overall objective of the proposal is to contribute to the protection of the people in the Union against the threat posed by illicit firearms. In order to reach this general objective it is important to reduce the number of illicit firearms and the activities of the illegal firearms market in the EU, to reduce the discrepancies between EU Member States and harmonise firearms-related offences and penalties across Member States, and to enhance the overall picture of the threat posed by firearms by improving the availability and quality of data.

1.3.2. Specific objective(s)

Specific objective No

1. Making it easier to investigate and prosecute firearms-related offences
2. Ensuring a future proof enforcement of firearms-related offences
3. Ensuring effective, dissuasive and proportionate penalty types and levels for firearms-related offences
4. Improving law enforcement and judicial cooperation and harmonised data collection on firearms-related offences

1.3.3. Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

The main expected result of the initiative is to improve the EU legal framework on tackling firearms-related offences and to strengthen enforcement at national level. It is acknowledged that criminal law is the last resort when other measures have not been sufficient to ensure compliance, which in this case proves essential for enforcing the Union's firearms laws. The Directive will harmonise the definitions of the firearms-related offences and the related penalties. This will facilitate cross-border cooperation. Additionally, the obligation to establish National Firearms Focal Points will also result in better cooperation and coordination between the Member States. Lastly, the establishment of a minimum dataset to register seized firearms will allow for a better intelligence picture on the threat. This will facilitate the analyses of the phenomenon of illegal firearms at EU level, identifying trends, modus operandi and becoming an instrument for investigators and policy makers. Furthermore, this harmonised dataset and the corresponding national databases, together with the

European Firearms Hub will also facilitate the collection of data by other stakeholders, such as the Commission or UNODC.

1.3.4. *Indicators of performance*

Specify the indicators for monitoring progress and achievements.

The success of this proposal could not be measured against a clear baseline, as systematic information on the scale of firearms-related crime and efforts to combat it in individual Member States is insufficient. Nevertheless, a monitoring framework was developed (Annex 10 of the Impact Assessment), which contains the following indicators:

number of investigations, prosecutions and convictions of the different offences.

Success: stable and upward trend of cases in each Member State

specific focus on the number of investigations, prosecutions and conviction in relation to the privately manufactured firearms

Success: All Member States have a specific focus on privately manufactured firearms within their national strategies and law enforcement reply. Dedicated action within EMPACT firearms regarding the testing of blueprint. Inclusion of the particulars of privately manufactured firearm in national databases on seized firearms and also within the firearms module in the firearms hub in Europol.

levels of financial fines imposed on natural persons and legal persons, levels of imprisonment penalties, full use of accompanying penalties, types and numbers of accessory penalties

Success: An increase of the lowest penalty levels following the agreed upon minimum levels of maximum penalties. Penalties imposed use the full range of penalty types and levels (including a wider use of accompanying and accessory penalties). Confiscation of profits are applied systematically.

continuation of EMPACT Firearms, number of firearms cases at Eurojust and number of JITs at Eurojust, Number of SIENA messages at Europol, number of established and fully functional National Firearms Focal Points.

Success: Firearms remains a priority within the EMPACT cycle. Increase of cross-border cooperation manifested through increase of cases shared with Eurojust and Europol. All Member States have a National Firearms Focal Point and they fulfil more than 75% of the tasks as agreed in the Council Conclusions.

the use of the harmonised dataset on seized firearms and the amount of registered seized firearms sent to Europol to be added to the European Firearms Hub repository.

Success: the agreed minimum dataset on seized firearms is used by all Member States and integrated into the Firearms Hub at Europol to serve as an EU repository of seized firearms.

statistics gathered by the Member States

Success: all Member States send in the statistical data after 5 years and 30% of the Member States send the data annually, on a voluntary bases.

1.4. **The proposal/initiative relates to:**

☒ **a new action**

- ☐ a new action following a pilot project/preparatory action ⁽¹⁾
- ☐ the extension of an existing action
- ☐ a merger or redirection of one or more actions towards another/a new action

1.5. **Grounds for the proposal/initiative**

1.5.1. *Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative*

There are three types of requirements, which correspond to short, medium and long term objectives.

Short term requirements: Member States shall transpose the Directive within 24 months. This includes:

Member States shall ensure that the acts inscribed in article 3 of the proposal constitute a criminal offence, when committed intentionally.

Member States shall take the necessary measures to make offences accessory to firearms-related crimes are criminalised

Member States shall define penalties related to firearms-related crimes for natural and legal persons- Member States shall define aggravating and mitigating circumstances of firearms-related crimes

Member States shall define investigative tools

Each Member State shall take the necessary measures to establish its jurisdiction over the offences referred to in the proposal

Each Member State shall establish a functional National Firearms Focal Point

Each Member State shall integrate the minimum dataset on seized firearms into their national databases.

Medium term requirements:

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, the Member States, Eurojust, the European Public Prosecutors Office, and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal offences referred to in Articles 3 and 4.

Member States shall ensure that officials who detect, investigate, prosecute or adjudicate firearms-related offences, such as judges, prosecutors, police, judicial and those competent authorities' staff, receive regular specialist training appropriate to their functions.

Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall request those responsible for the training of judges, prosecutors, police, judicial and those competent authorities' staff involved in criminal proceedings and investigations to provide appropriate training with respect to the objectives of this Directive.

⁽¹⁾ As referred to in Article 58(2), point (a) or (b) of the Financial Regulation.

Member States shall collect systematic, reliable and up-to date statistics on firearms-related crimes by each competent authority with a view to making consistent and coherent comparison and analysis of relevant information possible.

Member States shall transmit the data on registered seized firearms to Europol, on a monthly basis.

Long term requirements:

Every five years, Member States shall send all statistical information to the Commission. - Every five years, Member States shall inform the Commission of the implementation of Article 14 to 16.

Every five years, the Commission will publish a report containing the statistical data gathered from the Member States.

Every five years, the Commission will publish a report that assesses the impact of the Directive and consider if appropriate follow-up actions are needed.

- 1.5.2. *Added value of EU involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this section 'added value of EU involvement' is the value resulting from EU action, that is additional to the value that would have been otherwise created by Member States alone.*

Reasons for action at EU level (ex-ante) Despite the ratification of the UN Firearms Protocol, the preparatory study ordered by the Commission showed gaps in the transposition of the obligation to criminalise firearms-related offences. Additionally, the study showed low penalties and penalty levels in multiple Member States. These insufficient penalty levels in a number of Member States prevent a level playing field across the EU.

The impact assessment also showed the low level of cross-border cooperation with the help of Europol and Eurojust in comparison to other crimes. Furthermore, after years of recommending Member States to establish a National Firearms Focal Point and attributing the correct tasks to it, only 8 Member States have National Firearms Focal Points that fulfil more than 75% of the tasks agreed in the Council Conclusions.

Additionally, following three years of discussions, the expert group on firearms trafficking and the implementation of the Firearms Directive, have reached a preliminary agreement on the minimum dataset to register seized firearms. However, the experts present also stated that without a legal obligation to use this dataset, they do not anticipate much change.

Expected generated EU added value (ex-post) This initiative will harmonise the criminal firearms-related offences throughout the EU and establish minimum maximum penalties. By providing clarity on legal definitions and by approximating penalty levels, as well as by providing tools and obligations for cross-border cooperation among Member States, the Directive will create a more even level playing field with equivalent criminal law focus across the EU and facilitate cross-border cooperation on investigations and prosecutions.

The obligation to establish fully functional National Firearms Focal Points will facilitate the cooperation and coordination within Member States and cross-border. Additionally, the obligation to use the minimum dataset for registering seized

firearms and the transmission of this information to Europol will improve the intelligence picture of the threat.

An effective EU wide criminal policy on firearms-related offences may also benefit other EU policy objectives. Firearms crimes are often linked to other forms of crime such as drugs trafficking, terrorism, organised crime, money laundering, extortion, trafficking in human beings etc. A more effective EU legislation on firearms-related crimes would contribute to effective criminal law enforcement strategies, at the EU and national level that address all relevant aspects of criminal interaction.

1.5.3. *Lessons learned from similar experiences in the past*

Although the existing Union firearms legislation establishes the provision that violations of the rules need to be sanctioned in a effective, proportionate and dissuasive manner, the preparatory study showed large discrepancies in this implementation and penalty levels. Experiences in other policy fields, show the need for a consistent criminal policy throughout the Union, removing loopholes for criminals and combating illicit trafficking of firearms without the problems of more lenient jurisdictions.

1.5.4. *Compatibility with the multiannual financial framework and possible synergies with other appropriate instruments*

This proposal is consistent with:

- ProtectEU, the new European internal security strategy unveiled in April 2025, reiterates that firearms are a key enabler of the increasing violence perpetrated by organised crime groups.
- United against terror: EU Agenda on preventing and countering terrorism and violent extremism, presented in December 2025
- The 2020-2025 EU Action Plan on firearms trafficking
- The EU Strategy to tackle Organised Crime covering the period 2021-2025, which named firearms trafficking as one of the priorities of the EU's fight against organised crime.

The general objectives of this proposal are supported by the Multiannual Financial Framework, which places an important emphasis on funding activities to improve the internal security of the EU. Some synergies will exist with pre-existing programmes. An example would be the training activities derived from the proposal which most of them already exist and are provided by CEPOL and by Frontex training for law enforcement.

1.5.5. *Assessment of the different available financing options, including scope for redeployment*

In order to cope with the proposal new obligations such as monitoring the situation, increase trainings, provide some guidance and raising awareness, the Commission will have to do an extra effort. Those efforts will rely on DG HOME as most of the tasks listed below will required some time management and some extra costs.

1.6. **Duration of the proposal/initiative and of its financial impact**

☐ **limited duration**

☐ in effect from [DD.MM]YYYY to [DD.MM]YYYY

- ☐ financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

☒ **unlimited duration**

Implementation with a start-up period from YYYY to YYYY,
followed by full-scale operation.

1.7. **Method(s) of budget implementation planned⁽²⁾**

☒ **Direct management** by the Commission

- ☒ by its departments, including by its staff in the Union delegations;
- ☐ by the executive agencies

☐ **Shared management** with the Member States

☐ **Indirect management** by entrusting budget implementation tasks to:

- ☐ third countries or the bodies they have designated;
- ☐ international organisations and their agencies (to be specified);
- ☐ the European Investment Bank and the European Investment Fund;
- ☐ bodies referred to in Articles 70 and 71 of the Financial Regulation;
- ☐ public law bodies;
- ☐ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees;
- ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees;
- ☐ bodies or persons entrusted with the implementation of specific actions in the common foreign and security policy pursuant to Title V of the Treaty on European Union, and identified in the relevant basic act
- ☐ bodies established in a Member State, governed by the private law of a Member State or Union law and eligible to be entrusted, in accordance with sector-specific rules, with the implementation of Union funds or budgetary guarantees, to the extent that such bodies are controlled by public law bodies or by bodies governed by private law with a public service mission, and are provided with adequate financial guarantees in the form of joint and several liability by the controlling bodies or equivalent financial guarantees and which may be, for each action, limited to the maximum amount of the Union support.

Comments

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⁽²⁾ Details of budget implementation methods and references to the Financial Regulation may be found on the BUDGpedia site: <https://myintracomm.ec.europa.eu/corp/budget/financial-rules/budget-implementation/Pages/implementation-methods.aspx>.

2. **MANAGEMENT MEASURES**

2.1. **Monitoring and reporting rules**

Every five years, the Commission will publish a report regarding the impact of the Directive. This report will include an overview of how Member States are implementing the different provisions and it will contain a statistical overview of the data gathered through this Directive.

2.2. **Management and control system(s)**

2.2.1. *Justification of the budget implementation method(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

Considering that the proposal affects the Commission's work, and more precisely that of DG HOME, the EU budget will be implemented via direct management. Pursuant to the principle of sound financial management, the budget shall be implemented in compliance with effective and efficient internal control.

2.2.2. *Information concerning the risks identified and the internal control system(s) set up to mitigate them*

No specific risks have been identified at this stage.

2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio between the control costs and the value of the related funds managed), and assessment of the expected levels of risk of error (at payment & at closure)*

The costs for the direct management of control by the Commission can be calculated based on the amount of time staff of DG HOME will dedicate to the control. It is expected that this will amount to 50% of one FTE during 2026 and 2027, after which it will reduce to 20% of a FTE.

2.3. **Measures to prevent fraud and irregularities**

The LFDS concerns staff expenditure and procurement, and standard rules for this type of expenditures apply.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff. ⁽³⁾	from EFTA countries ⁽⁴⁾	from candidate countries and potential candidates ⁽⁵⁾	from other third countries	other assigned revenue
7	European Public administration	Diff./Non-diff.	NO	NO	NO	NO

New budget lines requested

In order of multiannual financial framework headings and budget lines.

⁽³⁾ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

⁽⁴⁾ EFTA: European Free Trade Association.

⁽⁵⁾ Candidate countries and, where applicable, potential candidates from the Western Balkans.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./non-diff.	from EFTA countries	from candidate countries and potential candidates	from other third countries	other assigned revenue
	[XX.YY.Y Y.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.Y Y.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.Y Y.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

- ☒ The proposal/initiative does not require the use of operational appropriations
- ☐ The proposal/initiative requires the use of operational appropriations, as explained below:

3.2.1.1. Appropriations from voted budget

EUR million (to three decimal places)

Heading of multiannual financial framework	Number					
DG: <.....>	Year	Year	Year	Year	TOTAL MFF	

			2024	2025	2026	2027	2021-2027
Operational appropriations							
Budget line	Commitments	(1a)					0.000
	Payments	(2a)					0.000
Budget line	Commitments	(1b)					0.000
	Payments	(2b)					0.000
Appropriations of an administrative nature financed from the envelope of specific programmes ⁽⁶⁾							
Budget line		(3)					0.000
TOTAL appropriations for DG <.....>	Commitments	=1a+1 b+3	0.000	0.000	0.000	0.000	0.000
	Payments	=2a+2 b+3	0.000	0.000	0.000	0.000	0.000
DG: <.....>			Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
Operational appropriations							
Budget line	Commitments	(1a)					0.000
	Payments	(2a)					0.000

⁽⁶⁾ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

Budget line	Commitments	(1b)					0.000
	Payments	(2b)					0.000
Appropriations of an administrative nature financed from the envelope of specific programmes ⁽⁷⁾							
Budget line		(3)					0.000
TOTAL appropriations for DG <.....>	Commitments	=1a+1 b+3	0.000	0.000	0.000	0.000	0.000
	Payments	=2a+2 b+3	0.000	0.000	0.000	0.000	0.000
			Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
TOTAL operational appropriations	Commitments	(4)	0.000	0.000	0.000	0.000	0.000
	Payments	(5)	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations under HEADING <....> of the multiannual financial framework	Commitments	=4+6	0.000	0.000	0.000	0.000	0.000
	Payments	=5+6	0.000	0.000	0.000	0.000	0.000

⁽⁷⁾ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

			Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
TOTAL operational appropriations (all operational headings)	Commitments	(4)	0.000	0.000	0.000	0.000	0.000
	Payments	(5)	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations Under Heading 1 to 6 of the multiannual financial framework (Reference amount)	Commitments	=4+6	0.000	0.000	0.000	0.000	0.000
	Payments	=5+6	0.000	0.000	0.000	0.000	0.000
Heading of multiannual financial framework		7	‘Administrative expenditure’ ⁽⁸⁾				
DG: HOME			Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
Human resources			0.000	0.000	0.097	0.097	0.194
Other administrative expenditure			0.000	0.000	0.000	0.027	0.027
TOTAL DG HOME	Appropriations		0.000	0.000	0.097	0.124	0.221
DG: <.....>			Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027

⁽⁸⁾ The necessary appropriations should be determined using the annual average cost figures available on the appropriate BUDGpedia webpage.

Human resources		0.000	0.000	0.000	0.000	0.000
Other administrative expenditure		0.000	0.000	0.000	0.000	0.000
TOTAL DG <.....>	Appropriations	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations under HEADING 7 of the multiannual financial framework	(Total commitments = Total payments)	0.000	0.000	0.000	0.000	0.000

EUR million (to three decimal places)

		Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
TOTAL appropriations under HEADINGS 1 to 7 of the multiannual financial framework	Commitments	0.000	0.000	0.097	0.124	0.221
	Payments	0.000	0.000	0.097	0.124	0.221

3.2.2. *Estimated output funded from operational appropriations (not to be completed for decentralised agencies)*

Commitment appropriations in EUR million (to three decimal places)

Indicate objective			Year 2024	Year 2025	Year 2026	Year 2027	yearly meeting to support implementation	TOTAL
	OUTPUTS							

s and outputs ↓	Type (9)	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total Cost
SPECIFIC OBJECTIVE No 4 (10): Improving law enforcement and judicial cooperation and harmonised data collection on firearms-related offences																		
- Focus group on judicial coop eration	meeting	0.01 35							2	0.02 7	1	0.01 35	1	0.01 35	1	0.01 35	5	0.06 75
- Output																		

(9) Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

(10) As described in point 1.4.2. 'Specific objective(s)...

- Output																		
Subtotal for specific objective No 1																		
SPECIFIC OBJECTIVE No 2 ...																		
- Output																		
Subtotal for specific objective No 2																		
TOTALS																		

3.2.3. *Summary of estimated impact on administrative appropriations*

- ☐ The proposal/initiative does not require the use of appropriations of an administrative nature
- ☒ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

3.2.3.1. *Appropriations from voted budget*

VOTED APPROPRIATIONS	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
HEADING 7					
Human resources	0.000	0.000	0.097	0.097	0.194

Other administrative expenditure	0.000	0.000	0.000	0.027	0.027
Subtotal HEADING 7	0.000	0.000	0.097	0.124	0.221
Outside HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000
Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	0.000
Subtotal outside HEADING 7	0.000	0.000	0.000	0.000	0.000
TOTAL	0.000	0.000	0.097	0.124	0.221

3.2.3.3. *Total appropriations*

TOTAL VOTED APPROPRIATIONS + EXTERNAL ASSIGNED REVENUES	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
HEADING 7					
Human resources	0.000	0.000	0.097	0.097	0.194
Other administrative expenditure	0.000	0.000	0.000	0.027	0.027
Subtotal HEADING 7	0.000	0.000	0.097	0.124	0.221
Outside HEADING 7					

Human resources	0.000	0.000	0.000	0.000	0.000
Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	0.000
Subtotal outside HEADING 7	0.000	0.000	0.000	0.000	0.000
TOTAL	0.000	0.000	0.097	0.124	0.221

The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together, if necessary, with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

3.2.4. *Estimated requirements of human resources*

- ☐ The proposal/initiative does not require the use of human resources
- ☒ The proposal/initiative requires the use of human resources, as explained below

3.2.4.1. *Financed from voted budget*

Estimate to be expressed in full-time equivalent units (FTEs) ⁽¹¹⁾

VOTED APPROPRIATIONS	Year 2024	Year 2025	Year 2026	Year 2027
Establishment plan posts (officials and temporary staff)				
20 01 02 01 (Headquarters and Commission's Representation Offices)	0	0	0.5	0.5

⁽¹¹⁾ Please specify below the table how many FTEs within the number indicated are already assigned to the management of the action and/or can be redeployed within your DG and what are your net needs.

20 01 02 03 (EU Delegations)		0	0	0	0
01 01 01 01 (Indirect research)		0	0	0	0
01 01 01 11 (Direct research)		0	0	0	0
Other budget lines (specify)		0	0	0	0
External staff (in FTEs)					
20 02 01 (AC, END from the 'global envelope')		0	0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)		0	0	0	0
Admin. support line [XX.01.YY.YY]	at Headquarters	0	0	0	0
	in EU Delegations	0	0	0	0
01 01 01 02 (AC, END - Indirect research)		0	0	0	0
01 01 01 12 (AC, END - Direct research)		0	0	0	0
Other budget lines (specify) - Heading 7		0	0	0	0
Other budget lines (specify) - Outside Heading 7		0	0	0	0
TOTAL		0	0	0.5	0.5

3.2.4.3. *Total requirements of human resources*

TOTAL VOTED APPROPRIATIONS +	Year 2024	Year 2025	Year 2026	Year 2027
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EXTERNAL ASSIGNED REVENUES					
Establishment plan posts (officials and temporary staff)					
20 01 02 01 (Headquarters and Commission's Representation Offices)		0	0	0.5	0.5
20 01 02 03 (EU Delegations)		0	0	0	0
01 01 01 01 (Indirect research)		0	0	0	0
01 01 01 11 (Direct research)		0	0	0	0
Other budget lines (specify)		0	0	0	0
External staff (in full time equivalent units)					
20 02 01 (AC, END from the global envelope)		0	0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)		0	0	0	0
Admin. support line [XX.01.YY.YY]	at Headquarters	0	0	0	0
	in EU Delegations	0	0	0	0
01 01 01 02 (AC, END - Indirect research)		0	0	0	0
01 01 01 12 (AC, END - Direct research)		0	0	0	0
Other budget lines (specify) - Heading 7		0	0	0	0
Other budget lines (specify) - Outside Heading 7		0	0	0	0
TOTAL		0	0	0.5	0.5

The staff required to implement the proposal (in FTEs):

	To be covered by current staff available in the Commission services	Exceptional additional staff*		
		To be financed under Heading 7 or Research	To be financed from BA line	To be financed from fees
Establishment plan posts	0.5 FTE		N/A	
External staff (CA, SNEs, INT)				

Description of tasks to be carried out by:

Officials and temporary staff	Support the Member States with the implementation of the Directive, organise expert group meetings and focus groups for the judicial authorities. Support the operational actions within EMPACT on 3D printing. Prepare any reports needed.
External staff	

3.2.5. Overview of estimated impact on digital technology-related investments

Compulsory: the best estimate of the digital technology-related investments entailed by the proposal/initiative should be included in the table below.

Exceptionally, when required for the implementation of the proposal/initiative, the appropriations under Heading 7 should be presented in the designated line.

The appropriations under Headings 1-6 should be reflected as "Policy IT expenditure on operational programmes". This expenditure refers to the operational budget to be used to re-use/ buy/ develop IT platforms/ tools directly linked to the implementation of the initiative and their associated investments (e.g. licences, studies, data storage etc). The information provided in this table should be consistent with details presented under Section 4 "Digital dimensions".

TOTAL Digital and IT appropriations	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
HEADING 7					
IT expenditure (corporate)	0.000	0.000	0.000	0.000	0.000
Subtotal HEADING 7	0.000	0.000	0.000	0.000	0.000
Outside HEADING 7					
Policy IT expenditure on operational programmes	0.000	0.000	0.000	0.000	0.000
Subtotal outside HEADING 7	0.000	0.000	0.000	0.000	0.000
TOTAL	0.000	0.000	0.000	0.000	0.000

3.2.6. *Compatibility with the current multiannual financial framework*

The proposal/initiative:

- ☒ can be fully financed through redeployment within the relevant heading of the multiannual financial framework (MFF).
- ☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.
- ☐ requires a revision of the MFF.

3.2.7. *Third-party contributions*

The proposal/initiative:

- ☒ does not provide for co-financing by third parties
- ☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year 2024	Year 2025	Year 2026	Year 2027	Total
Specify the co-financing body					
TOTAL appropriations co-financed					

3.3. **Estimated impact on revenue**

- ☒ The proposal/initiative has no financial impact on revenue.
- ☐ The proposal/initiative has the following financial impact:
- ☐ on own resources
 - ☐ on other revenue
 - ☐ please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative ⁽¹²⁾			
		Year 2024	Year 2025	Year 2026	Year 2027

⁽¹²⁾ As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20% for collection costs.

Article					
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For assigned revenue, specify the budget expenditure line(s) affected.

[...]

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

[...]

4. **DIGITAL DIMENSIONS**

4.1. **Requirements of digital relevance**

If the policy initiative is assessed as having no requirement of digital relevance, provide an explanation as to why digital means are not used.

Otherwise, please list the requirements of digital relevance in the table below:

Reference to the requirement	Requirement description	Actor(s) affected or concerned by the requirement	High-level Processes	Categories
Article 15(1)	The National Firearms Focal Point shall gather, analyse, and exchange relevant information and ensure the collection and recording of all information regarding seizures of firearms linked to criminal offences.	Member States	Management of registries and gathering of information	data
Article 17(1)	Article 17 establishes that Member States shall	Member States	management of registries	data

	register seized firearms according to a minimum dataset. This minimum dataset is described in the annex of the proposal.			
Article 18	Article 18 requires Member States to gather, in a digital manner, statistical data on the offences referred to in Articles 3 and 4. The data that Member States have to gather is established by Article 18(2). Member States shall ensure that a digital system is in place for the collection, development, production and dissemination of anonymised statistical data on the criminal offences.	Member States	management registries of	data - digital solution
Article 21	Reporting obligations for the Commission towards the European parliament and the Council based on data received from the	Member States and European Commission	gathering of data on implementation + reporting about the data	data

	Member States			

4.2. Data

High-level description of the data in scope and any related standards/specifications

Type of data	Reference to the requirement(s)	Standard and/or specification (if applicable)
Information on firearms gathered by the National Firearms Focal Points	Article 15(1)	In order for these entities to be the focal points they have to gather, analyse and exchange information on firearms, their essential components, ammunition, and blueprints. Furthermore, they should ensure the collection and recording of all information regarding seizures of firearms.
Registration of seized firearms	Article 17(1) and Annex	The description of data on seized firearms is established in Annex I. This minimum dataset will harmonise the collection of seizure data in the Member States. This minimum dataset was extensively discussed with the Member States in the expert group on firearms trafficking and the implementation of the firearms Directive. For some Member States this will not mean a change in their national databases, however, for others this will

		require amending or creating a national database.
Statistical data	Article 18(2)	Article 18(2) establishes the specific list of data that needs to be gathered, as a minimum, by Member States
Commission report (assessing the added value of the Directive with regard to combating firearms trafficking and other firearms-related criminal offences)	Article 21	The Commission has to adopt a report which contains data on the implementation of the Directive. Specifically, it has to contain data on resources used by Member States, training organised by Member States, coordination and cooperation done internally by Member States, cooperation done between Member States and the Commission, union bodies, offices or agencies, and on statistical data gathered according to Article 18.

Alignment with the European Data Strategy

Explain how the requirement(s) are aligned with the European Data Strategy

Article 18(1) states that this data has to be made publicly available. This requirement fits with the objective of the European Data Strategy regarding more available data. Through this data, the public sector can develop better policies, leading to more transparent governance and more efficient public services.

Alignment with the once-only principle

Explain how the once-only principle has been considered and how the possibility to reuse existing data has been explored

The description of data on seized firearms is established in Annex I. This minimum dataset will harmonise the collection of seizure data in the Member States. This minimum dataset was extensively discussed with the Member States in the expert group on firearms trafficking and the implementation of the firearms Directive. For some Member States this will not mean a change in their national databases, however, for others this will require amending or creating a national database.

Explain how newly created data is findable, accessible, interoperable and reusable, and meets high-quality standards

Additionally, following Article 18, every five years, the Member States shall share this data with the Commission. This sharing of data is triggered by the obligation of the Commission to publish a report on the added value of the Directive. This report has to contain statistical data.

Data flows

For each data flow, please fill the table below:

Type of data	Reference(s) to the requirement(s)	Actor who provides the data	Actor who receives the data	Trigger for the data exchange	Frequency (if applicable)
Information on firearms gathered by the National Firearms Focal Point	Article 15(1)	Different national stakeholders such as justice, police, customs etc.	National Firearms Focal Point	National Firearms Focal Points need to ensure that they have the complete picture of the firearms threat in the Member States	constant
Statistical data on seized firearms	Article 17	Member States	Europol	at least monthly	
Statistical data (of the five preceding years on the criminal offences referred to in Articles 3 and 4	Article 18	Member States	European Commission	By every 31 July of the 6th year following transposition	
Commission report	Article 21	European Commission	European Parliament and Council	By 31 October of every six years following	

				transposition	

4.3. Digital solutions

For each digital solution, please provide the reference to the requirement(s) of digital relevance concerning it, a description of the digital solution's mandated functionality, the body that will be responsible for it, and other relevant aspects such as reusability and accessibility. Finally, explain whether the digital solution intends to make use of AI technologies.

Digital solution	Reference(s) to the requirement(s)	Main mandated functionalities	Responsible body	How accessibility is catered for?	How reusability is considered?	Use of AI technologies (if applicable)
<u>Digital system for the collection, development, productions, and dissemination of anonymised statistical data</u>	Article 18	Member States can decide which digital solution is used to gather these statistics and how they are published.	Member States, mainly judicial authorities	Member States can decide which digital solutions can be used to facilitate accessibility	Similar legislative texts, such as the Environmental Crime Directive (EU) 2024/1203 also contain such data gathering obligations. Therefore, Member States should already have such digital solutions in place.	no
Digital solution for the registration of	Article 17 and Annex	Member States can decide which digital	Member States, mainly law	no public availability	The majority of Member States already have a	no

seized firearms		solution is used to register data on seized firearms.	enforcement		national registry or several ones to gather seized firearms and they can continue to use these databases. They might need to adjust part of the databases to ensure that the minimum dataset is added.	

For each digital solution, explain how the digital solution complies with the requirements and obligations of the EU cybersecurity framework, and other applicable digital policies and legislative enactments (such as eIDAS, Single Digital Gateway, etc.).

Digital system for the collection, development, productions, and dissemination of anonymised statistical data

Digital and/or sectorial policy (when these are applicable)	Explanation on how it aligns
<i>AI Act</i>	no specific alignment
<i>EU Cybersecurity framework</i>	no specific alignment

<i>eIDAS</i>	no specific alignment
<i>Single Digital Gateway and IMI</i>	no specific alignment
<i>Others</i>	

Digital solution for the registration of seized firearms

Digital and/or sectorial policy (when these are applicable)	Explanation on how it aligns
<i>AI Act</i>	no specific alignment
<i>EU Cybersecurity framework</i>	no specific alignment
<i>eIDAS</i>	no specific alignment
<i>Single Digital Gateway and IMI</i>	no specific alignment
<i>Others</i>	

4.4. Interoperability assessment

Describe the digital public service(s) affected by the requirements

Digital public service or category of digital public services	Description	Reference(s) to the requirement(s)	Interoperable Europe Solution(s)(NOT APPLICABLE)	Other interoperability solution(s)
Member States - law courts	gathering statistics on all offences included in the initiative	Article 18	not applicable	In order to gather the required data, there is no clear need for interactions between Member States or across

				EU entities. However, there will be a need to establish interactions within a Member State, in order to gather all necessary data.
Member States - police services	registering all seized firearms according to the minimum dataset	Article 17 and Annex	not applicable	the gathering of seizure data will require coordination within a Member State but not cross-border. Member States do need to ensure that the data can be extracted from their system and send to Europol, every month

Exchange of seizure data

Assessment	Measures	Potential remaining barriers
Assess the alignment with existing digital and sectorial policies Please list the applicable digital and sectorial policies identified.	- GDPR - Europol Regulation - Cybersecurity	
Assess the organisational measures for a smooth cross-border digital public services delivery Please list the governance measures foreseen	Europol has already acquired a database called TRAFIC and has offered the direct use of this database to all Member States.	However, some Member States already have their own national seizure databases. Europol will have to facilitate some kind of interconnection or bulk uploading of data coming from the national databases towards

		TRAFIC
Assess the measures taken to ensure a shared understanding of data Please list such measures	Annex I establishes a detailed minimum dataset which includes definitions of the terms.	
Assess the use of commonly agreed open technical specifications and standards Please list such measures	Annex I establishes a detailed minimum dataset which includes definitions of the terms. The Digital Justice 2030 initiative announced the creation of a toolbox of IT tools for use in justice systems.	

4.5. Measures to support digital implementation

For each measure to support digital implementation, please fill in the table below

Description of the measure	Reference(s) to the requirement(s)	Commission role (if applicable)	Actors to be involved (if applicable)	Expected timeline

				i n e (i f a p p l i c a b l e)
Reporting	Article 21	receiving the information + publishing a report	Member States	b y t r a n s p o s i t i

				o n
Transmitting of seizure data to Europol	Article 17 and Article 18 and annex	not applicable	Europol	b y t r a n s p o s i t i o n
Delegated act to amend the annex setting out a minimum dataset for the registration of seized firearms	Article 17(2)	adopting delegated acts	European Parliament, Council and European Commission	

