



**Parliament of Romania
Chamber of Deputies
Committee for European Affairs**

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Opinion on the

**Communication from the Commission to the European Parliament and the Council
regarding the implementation of the European Agenda on Security: EU action plan
against illicit trafficking in and use of firearms and explosives - COM (2015) 624**

In compliance with the provisions of Article 170(1) of the Regulations of the Chamber of Deputies, reissued, the Committee on European Affairs and the Committee for Defence, Public Order and National Security were requested to examine on its merits the Communication from the Commission to the European Parliament and the Council regarding the implementation of the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives - COM (2015) 624.

Having regard to the:

- Draft Opinion of the Committee for Defence, Public Order and National Security,
- Report prepared by Mrs. Ana BIRCHALL, Chairwoman of the Committee on European Affairs,
- Note of the Ministry of Foreign Affairs,
- Note of the Ministry of the Interior,
- Note of the National Security Department of the Presidential Administration,
- Input from representatives of above-mentioned institutions, provided during the debates,
- Note of the Romanian Intelligence Service,
- Note of the Romanian Foreign Intelligence Service,
- European Parliament Resolution of July 9, 2015, on the European Agenda on Security (2015/2697(RSP)),
- European Parliament Resolution of February 11, 2015 on anti-terrorism measures (2015/2530(RSP)),

- Information sheet from Department for the European Union of the Chamber of Deputies,
- Input from own Secretariat,

1. The Committee on European Affairs acknowledges that this communication is supplementing the measures from the Proposal for a Directive of the European Parliament and of the Council 91/477/EEC on control of the acquisition and possession of weapons and recalls that, in its Opinion on this initiative, it indicated that, in case statistical data proved that criminal acts are to a great extent committed using weapons acquired and possessed unlawfully, then the regulatory action of the European Commission should have focused on trafficking in weapons, and requested that the Commission should present to the national parliaments comparative data on the level of use of lawfully and unlawfully obtained weapons in actions of organised crime and terrorism.

The Committee on European Affairs recalls that in its Opinion on legal weapons indicated that precautions against trafficking in and legal possession of firearms only make sense if they make it more difficult for criminals to acquire firearms unlawfully and that it is crucial that Member States should be firm in the enforcement of domestic legislation and EU regulations on combating trafficking of weapons.

2. The Committee on European Affairs notes that many of the measures proposed by the Communication, e.g. online trafficking and diversion of legal trade are related to the legal purchase of weapons, which has already been approached by the Proposal for a Directive COM(2015)750.

3. The Committee on European Affairs indicates that, if the European Commission is aware that *“illicit trafficking of firearms is part of the main activity of organised crime groups”* and that *“terrorist networks are accessing weapons and explosives through the organised crime networks and the black market”* as maintained by the Commission in its Communication, we wonder why, despite the outbreak of terrorist attacks, we are only in the consultation stage on trafficking of firearms, while there is already a proposal of a directive on strengthening the control on legal weapons.

4. The Committee on European Affairs indicates that Europol data show that 3600 organised crime groups are active in the EU and all these groups are using weapons, regardless their fields of action; the Committee on European Affairs recalls that trafficking of weapons facilitates all other organised crime and terrorism activities and this is the reason why it should be a priority.

5. The Committee on European Affairs supports all measures to improve collection and exchange of operational information, and existing national and EU analytical and statistical instruments, to create interconnected national focal points, to strengthen the role of Europol, to perform risk checks on the goods involved in commercial trafficking, the use of the explosives control and protection system as a traceability instrument for trafficking of weapons, systematic introduction of information on requested firearms in the European and international platforms, achievement of interoperability between the Schengen Information System (SIS) and the iARMS system of INTERPOL, enhance the exchange of ballistic information etc.

The Committee on European Affairs appreciates in particular the intention to enhance the exchange of information between the competent institutions at EU level, which would generate beneficial effects on the intelligence community, including in Romania.

6. The Committee on European Affairs notes that, however useful, the above mentioned actions may only solve part of the weapon trafficking problem.

7. The Committee on European Affairs notes that the Communication seems to focus on light weapons, disregarding trafficking of heavy weapons, although the rampant rise of terrorism, with the Daesh-ISIL inspiring, planning, funding and establishing networks and coordinating terrorists who committed attacks in the European Union, was made possible by this type of weaponry.

8. The Committee on European Affairs notes that the European Committee initiative is limited to a proposal to set up cyber-patrols, neglecting the fast intervention teams, for following traffickers and seizing weapons, with the right to intervention even without the cooperation of the Member State where the crime happens, according to the model of the coast patrol or border patrol, although it is obvious that assessment, coordination of information systems and training alone cannot stop trafficking of guns; the Committee on European Affairs believes that trafficking of weapons stops in the field, where delivery and transport take place.

9. Having regard to the nature of the information and operations involved in trafficking of weapons, the Committee on European Affairs recommends that intelligence services should be granted, but should also assume a central role in combating trafficking of weapons, obviously in the context of effective cooperation between countries, so as otherwise the specific action “*cooperation with partners to improve knowledge on illicit trafficking of firearms*” would be meaningless.

10. The Committee on European Affairs salutes the European Commission proposal on the systematic integration of trafficking and illicit use of firearms and explosives within the security dialogue with the main partner countries and organisations; however, the Committee on European Affairs indicates that if this provision were fully implemented, the relationships with non-cooperating states, large providers of all types of weapons, without observing the international agreements, should be revised.

11. The Committee on European Affairs salutes the European Commission intention to cooperate with United Nations Office for Drugs and Crime (UNODC) to develop a harmonised international database to identify the global routes of trafficking of firearms to the EU and to cooperation with international or regional organisations focused on fighting terrorism and organised crime which share the same values and overall objectives.

12. The Committee on European Affairs acknowledges the European Commission appraisal that the current instability in the Middle East and North Africa (MENA) region, in particular the extended conflicts in Libya and Syria, lead to a significant increase in the illicit firearms trafficking in the region and that is an important threat to the long-term security of the UE which should be addressed urgently.

In this context, the Committee on European Affairs notes that the wording used in the communication to describe what would be necessary in the EU relationships with the Middle East and North Africa countries, “*to explore possible future cooperation*”, “*will seek to enhance cooperation*”, indicate the absence, at the moment, of a perspective on the normalisation of the situation in countries like Syria or Libya and, implicitly, the uncertainty of likely cooperation with these states in the near future; however, considering the exceptional seriousness of the security situation in the European Union, directly related to certain developments within the MENA region, the Committee on European Affairs recommends the European Union and the High Representative for foreign affairs and

security policy should adopt firm positions for those components of the foreign affairs policy which reflect the European Union values.

13. The Committee on European Affairs believes that the European Commission proposal that the regional approach should be supplemented by a bilateral approach as well only makes sense if the European Union develops policies targeting concrete results, otherwise Member States should refrain from taking stronger actions than the EU, so as to comply with the EU treaties.

14. The Committee on European Affairs notes that the EU offer for Libya, after the establishment of a unity government, namely to provide Libyan authorities capacity strengthening programmes to fight terrorism, is very limited for the status of global actor of the European Union; the Committee on European Affairs recommends the European Union and the High Representative for foreign affairs and security policy should consider ensuring significant peacekeeping, as well as military missions to combat trafficking of weapons and terrorist groups.

The Committee on European Affairs believes such military missions should be carried out in Syria as well, based on an agreement with the Russian Federation and the USA.

15. The Committee on European Affairs considers that the focus brought by the European Commission Communication on the illicit trafficking of firearms between EU and the South-East Europe region for 2015-2019 is welcomed, such a firearms trafficking is going on in the area, however the Committee warns about the fact that large amount of weapons and explosives reaching the European Union are being trafficked from countries included in the Commonwealth of Independent States situated at the Eastern border of the European Union; countries from Middle East and Northern Africa are also part of the illicit weapons flow.

The Committee on European Affairs notices that such elements cannot be identified within the contents of the Communication.

16. The Committee on European Affairs underlines that there are substantial gaps in terms of administrative capacity and resources between the law enforcement bodies from South East Europe countries and the West European ones and such situation would have justified the urgency of the European Commission in solving quickly weapons trafficking from the most developed economies of the EU, as this approach would have also led to a decrease in the weapons trafficking in the South-East of Europe.

17. The Committee on European Affairs reminds that, in its Opinion on legal procurement and possession of firearms, it has criticised the level of tolerance among national authorities in relationship weapon trafficking that takes place in trading areas, such as ports, which are well-known by national, European and international law enforcement agencies; the Committee reiterates its request for measures that are able to destabilize the infrastructure of organized crime networks; the Committee regrets that such issues are not reflected in the European Commission Communication and encourages the European Group of firearms experts to produce appropriate instructions in the handbook for locating and tracing illegal firearms.

18. The Committee on European Affairs takes note of the public debates in EU Members States that have been recently affected by terrorist attacks, about the complicity between local politicians and the circles of organized crime or radical religious circles, in exchange of political support during the elections and it asks the European Commission to bring this

phenomenon under scrutiny, as well, and to propose support measures in order to prevent such practices in the future.

19. The Committee on European Affairs takes note of the data submitted by the European Parliament Centre for Studies, according to which the leaders of organized crime in EU are mainly Italian, Russians and Albanians; the Committee on European Affairs notices that no specific measures are foreseen in the area of communication, even if it is well known that Italian organized crime structures have access to political, administrative and to the legitimate economy, while the Russian organized crime structures have access to the economic and intelligence service resources of the Russian Federation.

20. The Committee on European Affairs takes note of the analysis performed by the European Parliament Centre for Studies on the Russian organized crime structures, which underlines that such structures are mainly dealing with weapons trafficking and that they are extremely powerful as they have taken control over a number of Russian economy sectors and that no measures are taken at EU level in order to fight them; the Committee regrets that this topic is still left aside by the European Commission.

21. The Committee on European Affairs warns that, in relationship to promoting the buy-back system for firearms, such a system becomes efficient only when the weapons trafficking, over a certain area and period of time, is seriously decreased; otherwise, the European Commission would turn into the main client of weapons trafficking networks; this is why, the Committee invites the European Commission to submit evaluations that rely on sufficient and verified information that are able to indicate when the balance is reached between the amount of weapons extracted from the black market and the amount of weapons brought onto the black market in a certain region, over a specific interval of time.

22. As long as most of Internet infrastructure is owned and used by the private sector, the Committee on European Affairs agrees with the European Commission vision to include prevention and tracking of illegal firearms trafficking within its partnerships concluded with the private sector; the Committee on European Affairs considers that tax or trade incentives should be provided, while clear legal obligations should be established in order to suspend the company security policies on encryption, should the authorities be seeking to address some imminent and high risk criminal actions.

23. The Committee on European Affairs considers that funds provided within EU Financial Assistance framework, through the instrument for peace and stability, within other EU assistance programmes or within the Common Security and Defence Policy budget should be supplemented.

24. The Committee on European Affairs considers that the handbook on tracking and tracing illegal firearms which should be drafted by the European Firearms Experts Group could become a useful tool, however with a small scale impact, as it will never be able to capture all specific features of the hot areas for weapons trafficking.

25. The Committee on European Affairs notices that the European Commission Communication does not tackle the topic of research centres for non-conventional weapons, that are supported either by countries of trans-national corporations, or by organized crime networks, or the topic of large units for production of weaponry which are located in third countries, that are not subjected to international legislation on weapon control.

26. The Committee on European Affairs regrets that the European Commission Communication makes no reference to the way in which the terrorist groups' attempts to acquire mass destruction weapons should be annihilated, as well as no reference is made to measures that could discourage certain countries from providing support to terrorism.

27. The Committee on European Affairs underlines that Romania, through its bodies tasked with national security, is actively participating to joint efforts for combating terrorism and, as part of such efforts, to weapons and explosives control actions, as well as to various other checks against elements that might be used during terrorist attacks.

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The Committee on European Affairs, in its meeting on the 12 of April 2016, with the participation of 14 of its 22 members, unanimously decided to adopt the Opinion herein and have it transmitted to the Standing Bureau of the Chamber of Deputies, in order to complete the parliamentary examination procedure.

The Committee on European Affairs proposes forwarding the Opinion to the Romanian Government, in order to prepare the Government position on trafficking and illegal use of firearms and explosives.

The Committee on European Affairs proposes informing the European Union's institutions on its observations and recommendations, as a contribution to the process of formulating efficient policies in this area.

At the same time, the Committee on European Affairs proposes forwarding its observations/recommendations to the European Commission, as part of the informal political dialogue promoted by the European Commission in its Communication "Delivering Results for Europe", COM (2006) 211.

Chairwoman,
Ana BIRCHALL

