

# MONITORING THE RESPONSE TO CONVERTED FIREARMS IN EUROPE

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## I. INTRODUCTION

Converted firearms currently represent one of the main and growing firearm-related threats in Europe.<sup>1</sup> These weapons attracted the attention of European policymakers following the deadly terrorist attack on the Parisian Hyper Cacher supermarket in January 2015. The perpetrator of the attack used several acoustic expansion weapons (AEWs), which had been sold legally as non-lethal weapons within the European Union (EU) but were subsequently illicitly modified to fire lethal-purpose ammunition (see box 1). Such a high-profile incident, combined with the parallel proliferation of converted alarm handguns across Europe, raised concerns about the legal loopholes facilitating the acquisition of items that look like, and can readily be converted into, firearms. Inconsistent national legislation across EU member states regarding the possibility to sell such readily convertible items with no or few restrictions was arguably at the core of the problem.<sup>2</sup>

In response, the EU reviewed and amended the 1991 Firearms Directive in 2017, and reinforced multilateral police cooperation—notably in the framework of the European Multidisciplinary Cooperation Platform Against Criminal Threats

<sup>1</sup> European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2020–2025 EU Action Plan on Firearms Trafficking, COM(2020) 608 final, 24 July 2020, p. 3; and Florquin, N. and King, B., *From Legal to Lethal: Converted Firearms in Europe* (Small Arms Survey: Geneva, Apr. 2018).

<sup>2</sup> Florquin and King (note 1), pp. 50–52.

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## SUMMARY

Prior to the recent changes to the European Union (EU) Firearms Directive, and due to inconsistent national regulations, several types of readily convertible firearms could be purchased with few restrictions in a number of EU member states, modified into lethal weapons and trafficked within the region. This situation contributed to the growing criminal use of models that were easy to convert into lethal firearms. In response, the EU adopted a number of new regulatory measures from 2017 onwards and supported joint law enforcement operations that specifically targeted trafficking in converted firearms. Based on research undertaken by the Small Arms Survey, this paper reviews these EU efforts and the evolving dynamics of firearms conversion in Europe as a whole. It argues that while EU member states are moving towards greater harmonization of their national legislation, there have been significant delays in some countries, and that the interpretation of certain standards and procedures remains inconsistent. The paper also argues that improving the strategic intelligence picture of illicit firearms trafficking in Europe remains critical for measuring the success of these efforts and for detecting emerging threats.

## ABOUT THE AUTHORS

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**Box 1. Main categories of converted firearms**

For the purposes of this paper, readily convertible firearms refer to objects that resemble firearms and that, as a result of their construction or the material from which they are made, can be converted—without the need for specialized tools, equipment or skills—to expel a projectile or to increase their firepower. Converted firearms are such objects that have been modified or transformed to expel a projectile or increase their firepower.

Some specific—but not all—models belonging to the following weapons categories have been found to be readily convertible in Europe:

*Alarm and signal weapons.* Weapons manufactured to only be able to fire blank, tear gas or irritant ammunition, and incapable by design to discharge a projectile.

*Salute and acoustic weapons.* Firearms specifically manufactured or modified for the sole use of firing blanks, for example, for use in theatre performances, photographic sessions, film and television recordings, historical re-enactments, parades, sporting events and training sessions.

*Airsoft, or air and gas, guns.* Imitation firearms that are classified as toys in many countries. Airsoft guns fire small plastic pellets using compressed air, gas, or a spring drive as the propellant.

*Acoustic expansion weapons.* Originally lethal purpose firearms modified in such a way that they cannot discharge bullets/pellet ammunition, but can still fire blank ammunition.

*Firearms modified to Flobert calibres.*<sup>a</sup> Originally lethal firearms modified to discharge small projectiles of varying calibres (most commonly 4 mm, 6 mm and 9 mm).

*Deactivated firearms.* Originally lethal firearms modified to be rendered permanently inoperable.

Blank ammunition refers to non-bulleted ammunition rounds that produce a noise and a flash, with some containing irritant agents. In some cases, blank ammunition is modified by adding a projectile so that it can be used in a converted firearm.

<sup>a</sup> Flobert firearms were developed in the 19th century for indoor shooting and shoot percussion caps filled with a small projectile instead of traditional cartridge-based ammunition. Today, they are usually advertised as weapons for target practice.

Sources: Definitions adapted from Florquin, N. and King, B., *From Legal to Lethal: Converted Firearms in Europe* (Small Arms Survey: Geneva, Apr. 2018), pp. 16–24.

(EMPACT) Firearms.<sup>3</sup> The 2020–2025 EU Action Plan on Firearms Trafficking continues to prioritize measures against firearms conversion, including the transposition and enforcement of the new directive in all member states. The action plan examines ways to tackle new conversion threats, such as that posed by Flobert-calibre firearms, and to enhance controls on the import of readily convertible alarm and signal weapons. Further, it promotes cooperation with source countries outside the EU.<sup>4</sup> In 2018, the EU also adopted a new strategy on illicit firearms, small arms and light weapons (SALW) and their ammunition that links the firearm-related challenges it faces in Europe to its efforts to tackle illicit trafficking in SALW globally.<sup>5</sup>

<sup>3</sup> Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons; Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons, *Official Journal of the European Union*, L137/22, 25 May 2017; and Europol, 'EU POLICY CYCLE - EMPACT', n.d.

<sup>4</sup> European Commission (note 1), pp. 8–9.

<sup>5</sup> See Duquet, N., 'The 2018 EU SALW Strategy: Towards an integrated and comprehensive approach', EU Non-Proliferation and Disarmament Consortium, Non-Proliferation and Disarmament Paper no. 62 (Apr. 2019), pp. 6–7.

This paper examines the issue of converted firearms in Europe as of June 2020. It builds on previous research undertaken to map the issue of converted firearms globally and in Europe.<sup>6</sup> The paper draws on new research carried out by the Small Arms Survey in 2019 and the first half of 2020, with the support of EMPACT Firearms and the German Federal Foreign Office. The partnership with EMPACT Firearms was critical to the project, as it enabled the researchers to carry out seven in-country research visits, as well as to brief EMPACT Firearms participants on the findings at official meetings.

The research involved visits to five EU case study countries: Czechia, France, the Netherlands, Slovakia and Spain.<sup>7</sup> The choice of countries reflected a need to cover different European subregions, which previous research has shown are affected differently by the threat of firearms conversion. Indeed, some Eastern European countries have been considered a source

<sup>6</sup> King, B., *From Replica to Real: An Introduction to Firearms Conversions*, Issue Brief no. 10. (Small Arms Survey: Geneva, Feb. 2015); and Florquin and King (note 1).

<sup>7</sup> Although invited to participate in the study, Bulgaria declined to take part in the case study research.

of readily convertible AEWs, while some Western European states have been more exposed to trafficking in convertible alarm handguns or have served as hubs for trafficking to other countries.<sup>8</sup> Visits were also carried out to Kosovo and North Macedonia in order to assess the dynamics of firearms conversion in the Western Balkans region, which Europol considers to be one of the main sources of firearms trafficking to the EU.<sup>9</sup> In each country visited, the authors met with national experts working on firearms legislation, investigations and forensics, either in a group meeting format or through separate interviews. Additional interviews were also carried out with representatives of EMPACT Firearms, Europol and the European Commission, as well as technical bodies such as national firearm proofhouses.

Section II of this paper offers an overview of recent changes to EU regulations since 2017 and member states' efforts to harmonize national legislation with the new framework. Section III then looks at joint law enforcement operations that have focused on converted firearms. Section IV continues by examining the current dynamics of the proliferation of converted firearms in Europe, including types, routes, actors and uses. Finally, section V draws some brief conclusions.

## II. HARMONIZATION OF THE LEGISLATION

Prior to the recent amendments to EU firearms regulations, inconsistent national legislation across EU member states meant that several types of readily convertible firearms could be legally purchased in a number of countries with few restrictions and controls and then trafficked to others. This situation contributed to the trafficking in and criminal use of the models that were easy to convert throughout the EU. In the aftermath of multiple terrorist attacks in Europe in 2015–16, and in the context of the increasing availability of readily convertible alarm weapons, the EU took a number of regulatory measures to harmonize regulations across member states. This section reviews the most recent changes since 2017.<sup>10</sup>

<sup>8</sup> Florquin and King (note 1), pp. 35–36, 40–41.

<sup>9</sup> The designation of Kosovo is without prejudice to positions on status and is in line with United Nations Security Council Resolution 1244 and the International Court of Justice Advisory Opinion on the Kosovo declaration of independence. The EU is also closely coordinating its counter-trafficking action plan with states in this subregion. European Commission (note 1), p. 4.

<sup>10</sup> For a historical review of relevant regulatory efforts prior to 2017, see also Florquin and King (note 1), pp. 50–52.

### New EU regulations

In May 2017 the adoption of Directive 2017/853 amended the 1991 Directive 91/477/EEC on control of the acquisition and possession of weapons (also known as the Firearms Directive).<sup>11</sup> The original 1991 directive set minimum national legislation standards for the acquisition and possession of firearms by civilians. It defined four main firearms categories and associated levels of control based on the lethality of these weapons: category A firearms were prohibited, category B firearms were subject to authorization, category C firearms were subject to declaration, and category D firearms were those that remained freely available. The 2017 amendment contains several elements relevant to the control of convertible firearms.

First, the amended definition of a firearm takes into consideration the convertibility of the considered weapon, including the 'material from which it is made'.<sup>12</sup> As a result, it now covers a wider range of items without specifying the calibres, mechanisms or modifications applied to the weapon.<sup>13</sup> Second, it includes provisions regarding the legal classification of certain types of firearms. Under paragraph 19, amending annex I, firearms that are modified for 'firing blanks, irritants, other active substances or pyrotechnic rounds or into a salute or acoustic weapon' are to be classified in their original category.<sup>14</sup> For instance, category A firearms modified to AEWs remain classified in category A and are therefore prohibited. Third, the amendment removes category D (freely accessible firearms) from the directive. All firearms are therefore at least subject to declaration (category C), with the exception of firearms considered 'antique weapons'.<sup>15</sup>

In March 2018 the adoption of Implementing Regulation 2018/337 amended the 2015 Implementing Regulation 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly

<sup>11</sup> Directive (EU) 2017/853 (note 3).

<sup>12</sup> Directive (EU) 2017/853 (note 3), art.1.1.b.

<sup>13</sup> Para. 19 excludes antique firearms and 'alarm, signaling' weapons, 'provided that they can be used for the stated purpose only', from the definition of a firearm. It remains up to each member state to regulate these items.

<sup>14</sup> Although the European Commission considers Flobert weapons to be firearms as defined in Art 1.1, regardless of muzzle velocity, it is noteworthy that para. 19 does not specifically mention firearms modified to Flobert calibres—or other 'downgraded' calibres—in its list; European Commission DG Home official, Phone interview and written correspondence with authors, 6 Sep. 2019 and 20 Jan. 2020.

<sup>15</sup> Directive (EU) 2017/853 (note 3), annex I, part III.

inoperable.<sup>16</sup> The 2015 standards were the first piece of EU legislation to comprehensively regulate firearms deactivation, including the designation of the entity authorized to perform deactivation, and technical specifications regarding the parts of the firearm that need to be rendered permanently inoperable. The 2018 amendment sets new technical standards for deactivation. All firearms deactivated according to the 2018 regulation must be classified in category C (subject to declaration). When they are placed on the market or transferred, weapons deactivated prior to the 2018 regulation can only be integrated into category C if they have been deactivated again in full compliance with these new standards, or if they were deactivated before 8 April 2016 in accordance with the standards set out in the original 2015 regulation.

In January 2019 the adoption of Implementing Directive 2019/69 established technical specifications for the manufacturing of alarm and signal weapons.<sup>17</sup> This regulation was called for in Directive 2017/853 and includes three main provisions. First, manufacturers must follow specific technical specifications regarding materials used for building a weapon and the obstacles placed in the barrel. Alarm weapons that do not follow these standards are to be considered real firearms and categorized in the corresponding category. Several forensic experts interviewed for this paper endorsed these standards and assessed them to be sufficient to render the process of conversion very complicated without access to heavy machinery and specialized skills.<sup>18</sup> Second, member states must take measures

<sup>16</sup> Commission Implementing Regulation (EU) 2018/337 of 5 March 2018 amending Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable, *Official Journal of the European Union*, L65/1, 8 Mar. 2018; and Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable, *Official Journal of the European Union*, L333/62, 19 Dec. 2015.

<sup>17</sup> Commission Implementing Directive (EU) 2019/69 of 16 January 2019 laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons, *Official Journal of the European Union*, L15/22, 17 Jan. 2019.

<sup>18</sup> Author interviews with: forensic experts at the forensic department of the Spanish Guardia Civil, Madrid, 14 May 2019, and the French Institute for Criminal Research of the National Gendarmerie (Institut de recherche criminelle de la gendarmerie nationale, IRCGN), Cergy-Pontoise, 7 Aug. 2019; a Dutch police forensic department expert, Amsterdam, 9 Sep. 2019; an expert from the forensic department of the German Bundeskriminalamt (BKA), 19 June 2019 (by phone); and a ballistics expert at the French National Institute of Forensic Science

to ensure that manufacturers are following these technical specifications. States can decide which entity should be in charge of verifying compliance with the technical regulations, such as a proof house, a forensic department or a third-party partner organization. Third, states must appoint a national focal point for the exchange of information between EU member states on the topics covered by the 2019 directive, including sharing the outcomes of testing carried out on specific models.

### General timeline and implementation

EU member states had until 14 September 2018 to comply with Directive 2017/853 and to notify the European Commission of their transposition measures. In August 2017, however, Czechia, with the support of Hungary and Poland, brought a legal action against the directive to the European Court of Justice (EUCJ).<sup>19</sup> According to the action, the directive broke the principles of conferral of powers, proportionality, legal certainty, and protection of legitimate expectations or non-discrimination.<sup>20</sup> On 3 December 2019 the Grand Chamber of the EUCJ dismissed the action, but the process contributed to delaying the transposition of the new regulations in some countries (see below).

Transposition of Directive 2017/853 into national legislation has been slow, leading the Commission to send 20 ‘reasoned opinions’ to the states that had not notified full transposition on 24 July 2019. As of 15 April 2020, 17 EU member states had notified the Commission that they had fully transposed the directive into their national legislation.<sup>21</sup> This number may not reflect the actual state of transposition, as some states may simply have failed to notify the Commission of their measures, while others that notified full transposition may in fact have adopted only partial measures. In the 2020–2025 EU Action Plan on Firearms Trafficking, the Commission has vowed to ‘step up its commitment to ensure that the

(Institut national de la police scientifique, INPS), 11 Dec. 2019 (by phone).

<sup>19</sup> Géhin, L., *Conversion des armes factices: La réponse de l’UE* [Conversion of Imitation Firearms: The EU’s Response] (GRIP: Brussels, 31 Mar. 2020), pp. 9–10.

<sup>20</sup> European Court of Justice, Judgement of the Court (Grand Chamber), Case C-482/17, 3 Dec. 2019.

<sup>21</sup> The 17 EU member states were: Austria, Bulgaria, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Portugal and Romania. European Commission (note 1), p. 4.

Firearms Directive and its corresponding delegated and implementing acts are correctly transposed and effectively enforced by all Member States . . . using all the powers given by the Treaty to that effect'.<sup>22</sup> According to Directive 2017/853, the Commission had until 14 September 2020 to assess its implementation in each member state.<sup>23</sup>

The deadlines for bringing Implementing Regulation 2018/337 and Implementing Directive 2019/69 into force were 28 June 2018 and 17 January 2020, respectively. Information on the transposition of these measures remains patchy at the time of writing, as illustrated in the case studies below.

### Implementation in EU case study countries

As of June 2020, all the experts from EU member states interviewed for this paper declared that their countries were either already adhering to Directive 2017/853 or preparing to do so. France, the Netherlands and Slovakia had taken legal action to meet the directive's requirements, while Czechia and Spain had prepared bills to implement it but their adoption had been delayed—either due to the EUCJ action or to their national electoral agendas.<sup>24</sup> The Spanish amendment was published in the official state gazette on 5 August 2020 and will enter into force on 5 November 2020.<sup>25</sup> Under these new or proposed regulations, all countries categorize AEWs in their original premodification firearm categories. France, the Netherlands, Slovakia and Spain also regulate or intend to regulate firearms modified to Flobert calibres in the original preconversion category, while the draft Czech law classifies them in category C and applies special requirements, notably for their export within

the EU. Regarding Implementing Regulation 2018/337 on deactivation standards, all the case study countries have a designated legal entity in charge of deactivation, whether a public authority or a licensed private sector institution located nationally or within the EU.

In contrast, national regulations for acquiring and owning alarm and signal weapons remain inconsistent. Directive 2017/853 does not consider these items to be real firearms, as long as they respect the new manufacturing standards set out in Implementing Directive 2019/69. As a result, member states are free to allow their sale without restrictions. In France, for example, alarm and signal weapons are freely accessible to adults aged 18 years or above, provided the weapons comply with the new specifications. Nevertheless, some countries have decided to apply certain forms of control. In the Netherlands, for instance, users need to obtain a firearm permit to possess these weapons. Spain also restricts the use and licensing of alarm weapons to specific activities (e.g. dog training or public performances).

Although the EUCJ legal action delayed the process, Czechia prepared a draft bill to transpose Directive 2017/853.<sup>26</sup> After going through a first reading, the bill was being discussed in parliamentary committees in mid 2020, and officials believed it could enter into force by the end of 2020.<sup>27</sup> As of June 2020, Czech law restricted the acquisition of alarm weapons to adults aged 18 or above. The proposed bill would actually impose stricter controls on these weapons than called for in the Firearms Directive, subjecting them to declaration and placing models that comply with Implementing Directive 2019/69 in a newly created category: C1 (with lighter requirements than for category C weapons). It would also require a licence for the import and export of such weapons. Non-compliant models would be prohibited and placed in category A. In Czechia, AEWs are prohibited for civilian use and are categorized in category A regardless of their original category, but the new law would amend this to comply with Directive 2017/853, categorizing each AEW in its original category. Deactivated firearms are currently classified in category D, but will be integrated into the new C1 category once the bill is adopted, as called for in the Firearms Directive.

<sup>22</sup> European Commission (note 1), p. 8.

<sup>23</sup> Directive (EU) 2017/853 (note 3), para. 18.

<sup>24</sup> Director of the French Central Service on Firearms (Service Central des Armes), Interview with authors, Nanterre, 7 June 2019; German BKA forensic expert, Interview with authors (by phone), 19 June 2019; Dutch forensic expert, Interview with authors, Amsterdam, 9 Sep. 2019; Slovak Ministry of the Interior officials, Interview with authors, Bratislava, 22 Oct. 2019; Czech Ministry of the Interior officials, Interview with authors, Prague, 25 Sep. 2019; and Director and team of the Guardia Civil Firearms Unit, Interview with authors, Madrid, 13 May 2019.

<sup>25</sup> Spanish Guardia Civil official, Communication with authors, 17 Sep. 2020; and Spanish Ministry of Interior, 'Real Decreto 726/2020, de 4 de agosto, por el que se modifica el Reglamento de Armas, aprobado por el Real Decreto 137/1993, de 29 de enero' [Royal Decree 726/2020, of August 4, which modifies the Weapons Regulations, approved by Royal Decree 137/1993, of January 29], Boletín Oficial del Estado [Official State Gazette], 5 Aug. 2020.

<sup>26</sup> Czech officials, Interview with authors, Prague, 25 Sep. 2019.

<sup>27</sup> Czech officials, Communication with authors, 15 Jan. and 15 June 2020.

Czechia currently categorizes firearms modified to Flobert calibres in category D (unrestricted) as long as the projectile's energy—measured at the muzzle—does not exceed 7.5 joules. Under the draft bill, such weapons would be included in the new C1 category and be subject to declaration. This is potentially inconsistent with the requirement of the Firearms Directive that such weapons be placed in their original category, but there has been a push in recent parliamentary debates to classify all firearms modified to Flobert calibre in their original category, irrespective of the muzzle energy. The proposed bill would also implement the same cross-border transfer regulations for Flobert weapons as for alarm weapons and AEWs (i.e. requiring a licence for transfers within the EU), while another bill is being prepared to deal with the import of such weapons from non-EU countries.

The status of implementation in Slovakia is also important given its role as an intra-European source of readily convertible items in recent years and measures taken to curtail this flow since 2015.<sup>28</sup> Regulations adopted in 2015 already oblige firearm dealers to register the identification documents (IDs) of customers purchasing AEWs. All transactions must be recorded, including those involving citizens of other EU countries. According to Slovak law enforcement experts, these regulations led to a drop in the number of AEWs sold after 2015.<sup>29</sup> When sold in Slovakia, all firearms modified to AEWs are now classified in their original, premodification category.<sup>30</sup> A new amendment to the firearms legislation will seek to better regulate firearms modified to the Flobert calibre.<sup>31</sup> Currently, they are subject to declaration and are not accessible to minors under 18 years old. The 2020 amendment will impose stricter rules on these types of firearms. For instance, a category B firearm modified to fire only Flobert ammunitions will remain classified in the category B, thereby introducing stricter controls over sales. Category A firearms modified to Flobert calibres will still be accessible, but with a strict control on acquisition and transfers. Before export, dealers will need to obtain the importing country's official

approval for the transfer and to submit the firearm for examination by the forensic department of the Slovak police. Dealers and buyers must also follow the country of destination's own regulations and classification of the exported firearm. This amendment is expected to enter into force before 2021.<sup>32</sup>

### Remaining gaps

Although there have been significant delays, the EU member states reviewed in this paper appear to be moving towards greater harmonization of their national legislation. However, some states are interpreting certain provisions of Directive 2017/853 inconsistently. For example, as regards the legal classification of firearms modified to Flobert calibre, one state—at least initially—intended to classify them as category C (subject to declaration), regardless of the category of origin.

Interviewed officials also identified a gap related to the process for verifying the non-convertibility of alarm weapons: it remains unclear whether a country can import models that have already been declared readily convertible by another member state.<sup>33</sup> Moreover, member states can select a technical institution in any EU country to be responsible for ascertaining the convertibility of different models. As the price for certifying alarm weapons varies across countries, there is a risk that retailers will turn to the cheapest available option, which may use lower standards.<sup>34</sup> Some officials felt that customs and border forces should play a more active role in checking the compliance of the models being imported into the EU market.<sup>35</sup>

Further, experts highlighted the unintended effects related to the strengthening of standards for firearms deactivation. In addition to subjecting deactivated firearms to declaration as category C weapons, the deactivation process is more expensive for firearm

<sup>28</sup> See Florquin and King (note 1), pp. 23–23, 30–32.

<sup>29</sup> Prior to 2015, AEWs were classified in category D and were therefore freely accessible. Slovak Ministry of the Interior officials, Interview with authors, Bratislava, 22 Oct. 2019.

<sup>30</sup> Prior to this new regulation, and as of Nov. 2019, Flobert-calibre weapons with a muzzle energy below 7.5 joules were freely accessible to adults aged 18 years or above.

<sup>31</sup> Head of the firearms unit, Presidium of the Slovak police force, Written communication with authors, 10 Sep. 2020.

<sup>32</sup> Head of the firearms unit (note 31).

<sup>33</sup> According to representatives of the French national firearms proofing facility (Banc national d'épreuve de Saint-Etienne, BNE) and the National Metrology Institute of Germany (Physikalisch-Technische Bundesanstalt, PTB), common convertibility tests and information exchange between the national proofhouses are currently lacking. BNE representative, Interview with authors (by phone), 15 July 2019; and PTB representative, Written communication with authors, 15 Aug. 2019.

<sup>34</sup> BNE representative (note 33).

<sup>35</sup> European Commission DG Home official (note 14).

owners.<sup>36</sup> Moreover, the new procedure reduces the value of deactivated firearms for collectors, as it makes it impossible to disassemble the weapon and examine its components.<sup>37</sup> The decreasing demand for deactivation has affected the profitability of proof houses and increased the risk that unwanted live firearms are kept at home instead of being deactivated.<sup>38</sup> It has also created a black market for firearms that were deactivated according to the previous standards, as observed on some online platforms.<sup>39</sup> While these developments should be closely monitored, most experts interviewed for this paper noted that deactivated weapons were no longer prevalent in seizures and therefore do not appear to constitute a significant source of trafficking at present.

### III. JOINT LAW ENFORCEMENT OPERATIONS

In March 2017 the European Council approved the continuation of the EU Policy Cycle for organized and serious crime for the period 2018–21.<sup>40</sup> In May of the same year, the Council identified the illicit trafficking, distribution and use of firearms as 1 of 12 priorities for the policy cycle.<sup>41</sup> Within this framework, EMPACT is mandated to set up ‘robust action to target the most pressing criminal threats facing the EU’.<sup>42</sup> In order to fulfil this mandate, EMPACT develops annual operational action plans for each priority area, including EMPACT Firearms. This section reviews the

<sup>36</sup> E.g. in Czechia the price of deactivation has almost doubled since the adoption of new deactivation standards. Czech officials (note 26).

<sup>37</sup> Czech officials (note 26); BNE representative (note 33); and PTB representative (note 33).

<sup>38</sup> Czech officials (note 26).

<sup>39</sup> French officials, Interview with authors, Nanterre, 20 June 2019; and BNE representative (note 33). Some of these ‘pre-directive’ deactivated firearms have already been offered for sale on classified websites. Although the interviewed experts did not raise this particular issue, the same problem could theoretically arise with AEWs and alarm handguns that were held legally and without declaration prior to the regulatory changes, and became illegal thereafter. Some owners may be put off by the cost of deactivation and therefore prefer not to regularize these weapons.

<sup>40</sup> Council of the European Union, Council Conclusions on the continuation of the EU Policy Cycle for organised and serious international crime for the period 2018–2021, Council conclusions (27 March 2017), 7704/17, 28 Mar. 2017.

<sup>41</sup> Council of the European Union, Council conclusions on setting the EU’s priorities for the fight against organised and serious international crime between 2018 and 2021, Council conclusions (18 May 2017), 9450/17, 19 May 2017.

<sup>42</sup> Europol (note 3). Priorities are identified taking account of Europol’s serious organized crime threat assessment (SOCTA) and an evaluation of this assessment by the EU Standing Committee on Operational Cooperation on Internal Security (COSI).

activities of EMPACT Firearms targeting converted firearms, and notably its two flagship operations: Bosphorus and Mars.

### EMPACT Firearms

Spain is currently the ‘driver’ of EMPACT Firearms, with the Netherlands, France, Belgium and Europol acting as ‘co-drivers’.<sup>43</sup> In 2020, the police and customs agencies of 26 EU member states, the representatives of 9 organizations and 4 third parties were participating in EMPACT Firearms.<sup>44</sup> Europol provides administrative, logistical and operational support.

EMPACT Firearms identifies new trends and criminal *modus operandi*, and supports the European Commission on regulatory issues.<sup>45</sup> It works as a hub connecting member states and diverse EU institutions and agencies, sets up operations, proposes regulatory changes, and carries out forensic investigations. The platform also publishes a regular firearms bulletin that provides early warning of new firearm-related threats and updates on the results of operations.<sup>46</sup>

EMPACT represents the efforts of EU member states in three main areas of responsibility and competences related to small arms:

1. Law enforcement agencies in charge of the legal control of firearms in member states.
2. Specialized law enforcement units in charge of criminal investigations where firearms are involved, and counterterrorism units specialized in firearms.
3. The ballistic departments and units of member states.

Operations are set up in coordination with Europol. Member states share information about pressing firearms-related threats with Europol’s Analysis Project on Weapons and Explosives, which reviews the

<sup>43</sup> Appointed for 4 years, the EMPACT Firearms driver is in charge of implementing actions (operational action plans) and is responsible for the overall budget allocated to this priority (firearms).

<sup>44</sup> The 9 organizations were: EU Commission, Europol, EU Agency for Law Enforcement Training (CEPOL), EU Agency for Criminal Justice Cooperation (EUROJUST), European External Action Service (EEAS), European Firearms Experts (EFE), European Border and Coast Guard Agency (FRONTEX), EU Agency for the Operational Management of Large-Scale IT (EU-LISA), UN Office on Drugs and Crime (UNODC), and the International Criminal Police Organization (INTERPOL). The 4 third parties were: Norway, Switzerland, the UK and the US Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

<sup>45</sup> EMPACT Firearms Driver representative, Interview with authors, Madrid, 13 May 2019.

<sup>46</sup> EMPACT Firearms, *Firearms Bulletin*, no. 5 (July 2018).

**Table 1.** Results of Operation Bosphorus

Bosphorus I (2016)	Bosphorus II (2017–18)	Bosphorus IV <sup>a</sup> (2018–19)
245 arrests	112 arrests	Debriefing postponed
421 house searches	153 house searches	
556 alarm weapons seized (of which 131 were converted)	222 alarm weapons seized	
	108 lethal firearms seized	
+/- 34 000 pieces of ammunition seized	+/- 10 000 pieces of ammunition seized	

<sup>a</sup> Phase III did not take place due to funding constraints.

Source: EMPACT Firearms Driver representative, Interview with authors, Madrid, 14 May 2020; and Europol official, Interview with authors, The Hague, 9 Sep. 2019.

information, prepares and disseminates intelligence packages, and determines if there are opportunities for joint operations involving other concerned states. EMPACT Firearms provides funding to member states for the development of activities and investigations.<sup>47</sup> During and after the operations, EMPACT Firearms organizes coordination meetings to share information, good practices and lessons learned. Participating member states conduct the actual operations and provide information on their national-level results. Two EMPACT Firearms operations have specifically targeted converted firearms: Operation Bosphorus has addressed trafficking in readily convertible alarm weapons; and Operation Mars has focused on AEWs, deactivated firearms and Flobert firearms.

### Operation Bosphorus

Operation Bosphorus focuses on alarm weapons and, in particular, on models manufactured in Turkey that were legally acquired in Bulgaria and then smuggled to other European countries where their possession is regulated.<sup>48</sup> Romania is the action leader of this operation, which currently involves 20 EU member states, 4 non-EU countries (including from the Western Balkans region), the EU Commission, Europol and Eurojust. Three phases have taken place since 2016 (see table 1).

In phase I, the vast majority of arrested offenders (91 per cent) were low-profile criminals. Their average age was 40 years and only 7 per cent held a firearm licence. Most cases involved small amounts of firearms: only 2 per cent of those arrested had bought more than 10 alarm weapons. About 25 per cent of the recovered weapons were converted. In total, 11 member states

participated and investigated 2600 gas or alarm weapons, mainly of Turkish origin (including 1623 Ekol, 767 Zoraki, 75 Blow, 53 Htsan, 28 Voltran and 33 Bruni). The ammunition found with the weapons usually originated from the local market in the country where the weapon was recovered. Of the nearly 34 000 pieces of ammunition recovered, 8000 were converted rounds of blank ammunition (seized in four different cases).<sup>49</sup>

Phase II of Operation Bosphorus focused more specifically on the trafficking of alarm weapons using fast parcel services. For example, one case involved an Italian national who had imported 129 alarm weapons from Bulgaria using fast parcel services between January 2017 and March 2018, and was converting them in Spain.<sup>50</sup> He was also converting blank 9 mm PAK ammunition into lethal ammunition. Authorities arrested him after he posted videos on YouTube demonstrating how to convert alarm weapons.<sup>51</sup> Another case involved a British national living in south-eastern Spain who had bought Turkish-origin alarm weapons from Bulgaria and sold them via Facebook to a woman with a criminal history. She converted the firearms and then sold them on classified websites. The authorities seized 25 weapons and 2500 pieces of ammunition, and arrested three people in this specific case.<sup>52</sup>

### Operation Mars

Operation Mars was originally set up in 2014 to tackle the proliferation of Slovak-origin AEWs. The action leader of this operation is Portugal and 21 EU member states, 7 non-EU countries (including from

<sup>47</sup> E.g. funding was provided to support the computerization of paper-based firearms registers in certain countries.

<sup>48</sup> EMPACT Firearms coordination meeting, Lisbon, 26 June 2019.

<sup>49</sup> Europol official, Interview with authors, The Hague, 10 Sep. 2019.

<sup>50</sup> EMPACT Firearms, *Firearms Bulletin*, no. 8 (Mar. 2019), p. 5.

<sup>51</sup> EMPACT Firearms coordination meeting (note 48).

<sup>52</sup> Spanish officials, Interview with authors, Madrid, 14 May 2019.

the Western Balkans region), the EU Commission, Europol and Eurojust currently participate. The operation has tended to target trafficking in large amounts of weapons involving organized crime groups (see table 2). For instance, an operation conducted between 2015 and 2019 targeted a Polish group that had purchased more than 1200 convertible firearms from a Slovak company for distribution on the Dutch illicit market.<sup>53</sup> Between 2017 and 2019, a German operation supported by Europol started with the seizure of 7 Glock pistols and led to the conclusion that the same group of criminals had purchased as many as 846 convertible firearms. As of mid 2019, only 74 of these weapons had been recovered, in 34 different cases.<sup>54</sup>

However, the focus of Operation Mars has broadened over the years to include other categories of readily convertible weapons.<sup>55</sup> During phase V (2020–21), the operation seeks to address ‘the threat of deactivated and illegally reactivated weapons at the European level, [AEWs], Flobert, “percussion systems” and any other weapons/firearms subject to any kind of conversion’. It also focuses on the use of lost and fake ID on firearms purchases.<sup>56</sup> The current action leader is Portugal and 28 participants are expected to take part in phase V.<sup>57</sup>

### Lessons learned

The evolving nature of both operations shows that they have succeeded in adapting to the changing nature of the converted firearm threat. Operation Mars has sought to address new concerns caused by the circulation of weapons modified to Flobert calibres, while Operation Bosphorus has identified new types of modus operandi, such as the trafficking of alarm weapons via fast parcel services and the use of fake

<sup>53</sup> EMPACT Firearms coordination meeting (note 48).

<sup>54</sup> EMPACT Firearms coordination meeting (note 48).

<sup>55</sup> In 2014, AEWs represented the greatest share—about half—of the firearms sold by one of Slovakia’s largest gun shops. After Slovakia adopted new regulations on AEWs in 2015, firearms modified to Flobert calibres became the most popular and represented 70% of the sales by the same gun shop from July 2015 to Mar. 2016 and 80% between Mar. 2016 and Apr. 2017. Europol official (note 49).

<sup>56</sup> EMPACT Firearms Driver representative, Communication with authors, 7 Jan. 2020.

<sup>57</sup> Operation Mars has only been carried out under the EMPACT Firearms umbrella since 2016. The expected participants are: Austria, Belgium, Bulgaria, Cyprus, Czechia, Germany, Denmark, Estonia, Greece, Spain, Finland, Croatia, Hungary, Lithuania, Luxembourg, Netherlands, Romania, Sweden, Slovakia, United Kingdom, EU Commission, EUROJUST, Switzerland, Norway, Albania, Montenegro, North Macedonia and Serbia (as well as France and Europol as co-leaders).

or stolen IDs by purchasers. Through operations Bosphorus and Mars, EMPACT Firearms has improved the way member states collaborate in order to address firearms trafficking, and the intelligence gathered during the operations helps the European law enforcement community to monitor and identify new threats.

Interviewed officials regret that not all EU member states report back to the platform or Europol on their national-level operations. Sometimes police forces or other participating actors may not be aware that they are working under the framework of EMPACT Firearms, or they may use different code names for their operations.<sup>58</sup> These practices have made it difficult for EMPACT Firearms and Europol to keep track of the full results of joint operations.<sup>59</sup> Improved reporting and recording of results by all participating states is necessary in order to better capture the scope and impact of operations.<sup>60</sup>

## IV. TRENDS IN THE PROLIFERATION OF CONVERTED FIREARMS

This section summarizes current trends in the trafficking of converted firearms, including the main types of weapons, actors and routes involved, the uses of converted weapons, and the ongoing threats.

### Prevalent types

It remains challenging to quantify the prevalence of converted weapons on the basis of official statistics. The forensic examination of seized firearms is not systematic across EU member states, making it impossible to determine the exact proportion that is converted. Similarly, ballistic databases mainly provide the calibre of the ammunition found at crime scenes. Therefore, as some types of converted firearms

<sup>58</sup> EMPACT Firearms Driver representative (note 45).

<sup>59</sup> This can lead to frustration among police forces that provide the initial intelligence warnings, as they feel they do not receive satisfactory updates on how other countries have followed up. Moreover, Europol and EMPACT Firearms have access to different types of reporting channels, which can lead to the recording of different operational results. Slovak officials, Interview with authors, Bratislava, 22 Oct. 2019.

<sup>60</sup> In the last phase of Operation Mars, the quality of the data provided by Slovak dealers and authorities improved thanks to funds provided by EMPACT Firearms for computerizing firearms sales registries. As of June 2019, however, there were more than 200 dealers legally registered in Slovakia selling firearms modified to Flobert calibres or as AEWs, but only 10 had exploitable electronic registries. EMPACT Firearms coordination meeting (note 48).

**Table 2.** Results of Operation Mars

Mars I (2016–17)	Mars II (2017–18)	Mars III (2018–19) <sup>a</sup>
160 arrests 70 house searches 635 firearms seized 150 kg of explosives seized 150 hand grenades seized +/- 200 000 pieces of ammunition seized	Insufficient information	As of June 2019: 800 firearms identified as sold to organized crime groups 34 weapons seized in 4 European Union member states

<sup>a</sup> Results for Operation Mars IV (2019–20) were not available at time of writing.

Source: EMPACT Firearms Driver representative, Interview with authors, Madrid, 14 May 2020; Europol official, Interview with authors, The Hague, 9 Sep. 2019; and data presented at the EMPACT Firearms coordination meeting, Lisbon, 26 June 2019.

use lethal-purpose ammunition, without additional analysis these datasets provide few clues to whether the weapon used was converted or not.

Despite the data limitations, qualitative interviews with law enforcement officials and a review of the available datasets have helped to form a general picture of the most prominent types of converted weapons.<sup>61</sup> Alarm weapons and firearms modified to Flobert calibres are currently considered the main weapons of concern.<sup>62</sup> Following the restrictions placed on AEWs in Slovakia in 2015 and in the EU in 2017, some vendors in Slovakia also attempted to modify lethal-purpose firearms into muzzle-loading firearms, but demand for these models was limited.<sup>63</sup> In contrast, Flobert modifications were easier to retroconvert and became the main type of convertible weapon in Slovakia.<sup>64</sup> With respect to alarm weapons, the trend appears to be that the Turkish-made Ekol Voltran has been replaced by the Atak Zoraki as the most demanded model in Europe, allegedly due to its greater robustness.<sup>65</sup>

<sup>61</sup> These datasets include national firearm registries; a police seizure dataset; and ballistics datasets originating from forensic laboratories in the EU, Kosovo and Northern Macedonia.

<sup>62</sup> Europol official (note 49).

<sup>63</sup> These were black powder firearms with the insertion of a projectile directly into the muzzle of the firearm. Criminals did not seem to favour modified muzzle-loading weapons, probably due to the fact that their retroconversion was challenging; EMPACT Firearms, 2019, *Firearms Bulletin*, no. 9 (June 2019). One of these weapons, the Gladiator 500 HD, was nevertheless used in a shooting in Slovakia. Slovak officials (note 59).

<sup>64</sup> To retroconvert means to convert back into their pre-modification category and calibre. Dutch officials believe that organized crime groups began testing the convertibility of firearms modified to Flobert calibres in late 2015. Dutch officials, Interview with authors, The Hague, 10 Sep. 2019.

<sup>65</sup> The European Commission has acknowledged Turkey's role as a country of origin of 'many' readily convertible gas and alarm weapons, and stated its intent to prioritize cooperation with Turkey to address the issue as part of the 2020–2025 EU Action Plan. European Commission (note 1), p. 11; North Macedonian officials, Interview with authors, Skopje, 4 Sep. 2019; Kosovan officials, Interview with authors, Pristina,

The above general trends can vary at the country level. In Slovakia, where there is a substantial market for weapons modified to Flobert calibres, alarm weapons are not prevalent.<sup>66</sup> In Czechia, alarm weapons represent on average nearly 75 per cent of all recovered firearms, primarily in the context of improper use and unlawful possession, but very few are seized in a converted state.<sup>67</sup> Interviewed officials in the Netherlands note that both Flobert conversions and AEWs remain prevalent, while alarm weapons—converted and not converted—feature prominently in both forensic and seizure datasets.<sup>68</sup> In France, AEWs continue to be seized but there are very few cases involving weapons modified to Flobert calibres. In general, criminals in France favour the more accessible alarm weapons.<sup>69</sup> In Kosovo and North Macedonia, alarm weapons are of particular concern due to these countries' geographical proximity to source countries such as Bulgaria and Turkey, and AEWs and Floberts have not been a significant problem.<sup>70</sup>

2 Sep. 2019; and Dutch officials, Interviews with authors, Amsterdam and The Hague, 9 and 10 Sep. 2019; and the Dutch police seizure database.

<sup>66</sup> Slovak officials (note 59).

<sup>67</sup> Czech officials (note 26).

<sup>68</sup> Seizures of alarm and imitation firearms recorded by the Dutch police represented nearly 15% of all seizures between 2015 and 2018; among which, 4% were converted (primarily BBM Bruni, Ekol Voltran and Zorakis). In Amsterdam, the proportion of converted pistols and revolvers examined in the forensic laboratory amounted to 18% (57 weapons) in 2014, and reached 39% (43 weapons) in Jan.–May 2019. The interviewed officials noted that seizures of Flobert conversions have sharply increased since 2016. Dutch officials (note 64).

<sup>69</sup> French officials, Interview with authors, Nanterre, 7 June 2019.

<sup>70</sup> In Kosovo, there has been a steady increase in seizures of alarm weapons since 2016, from 13% of all seizures in 2016 to 19% in 2017, to 23% in 2018. In North Macedonia, converted alarm weapons usually represent less than 10% of all seizures, except in 2017 when they represented 33%. Kosovan officials, Interview with authors, Pristina, 2 Sep. 2019; and North Macedonian officials (note 65).

According to Czech officials, most weapons modified to Flobert calibres are of recent production, with only some older surplus weapons—principally pistols, as well as automatic rifles and sub-machine guns.<sup>71</sup> Weapons modified to Flobert calibres and AEWs, once converted, are able to fire the firearm's original calibre, which tend to be primarily 9 mm Luger and 7.62 x 39 mm.

Interviewed experts noted the increasing quality of the construction and materials with which alarm weapons are made. Turkish-made alarm weapons are more robust than German or Italian-made models and therefore more adequate for conversion.<sup>72</sup> Turkish models are particularly prevalent in France, Kosovo, the Netherlands and North Macedonia. The calibres of converted alarm weapons vary based on the type of conversion that is performed. In some cases, blank 9 mm PAK or 8 mm PAK ammunition is modified to fire a lead pellet, or the projectile of a 6.35 mm round. In other cases, the converted weapon's barrel is replaced so that the weapon can fire lethal purpose 7.65 x 17 mm Browning, 9 mm short, or 6.35 x 16 mm Browning ammunition.<sup>73</sup>

### Actors and routes

The converters of firearms have diverse profiles within and across countries. They include both individuals converting firearms in an artisanal way and organized crime groups that convert weapons for trafficking. In the Netherlands, a limited number of people seem to be converting a large number of firearms, mostly Floberts and AEWs.<sup>74</sup> At the other end of the spectrum, in Czechia the conversion of weapons is mostly performed by illegal collectors and hobbyists who want to test and prove their ability to modify a firearm, mostly deactivated models, without any criminal intention.<sup>75</sup>

Readily convertible weapons tend to be converted within the country where they will be used or sold. Especially in countries where alarm weapons can be legally purchased with few restrictions, it is less risky to import the firearm legally and then convert

it, than to smuggle it illegally in converted form from abroad.<sup>76</sup> As a result, conversion workshops have been discovered and dismantled in most of the countries studied, including France, the Netherlands and North Macedonia.<sup>77</sup> While workshops were also dismantled in Slovakia, the main challenge there involves the trafficking of convertible weapons from Slovakia to other countries.<sup>78</sup>

Converting weapons is not a unified phenomenon: the source countries, routes and customers are different for the various types of convertible weapons.<sup>79</sup> Yet, determining the origin of an illicitly converted weapon continues to be challenging, especially for alarm weapons that do not always bear unique serial numbers. Some states, such as Spain and Sweden, are able to check the invoices of their country's dealers to identify the buyers of alarm weapons.<sup>80</sup> In other EU member states, however, alarm weapons are not always subject to administrative controls and law enforcement agencies have no grounds for asking for such information.

Bulgaria remains a primary source of readily convertible alarm weapons, which justifies the continuation of Operation Bosphorus.<sup>81</sup> Turkish manufacturers export alarm weapons to dealers in Bulgaria from where they are either smuggled outside of the country in small quantities in vehicles or public transport, or shipped using fast parcel services.<sup>82</sup> Officials also picked out Ukraine as both a destination country for convertible weapons and a source country for converted firearms, including both alarm weapons and firearms modified to Flobert calibres.<sup>83</sup>

Specific Slovak arms dealers have been identified as sources of readily convertible AEWs and Flobert-

<sup>76</sup> French forensic expert, Interview with authors, Cergy-Pontoise, 7 Aug. 2019.

<sup>77</sup> Dutch officials (note 64); North Macedonian officials (note 65); and French officials, Interview with authors, Nanterre, 7 June 2019.

<sup>78</sup> Slovak officials (note 59).

<sup>79</sup> See Florquin and King (note 1), pp. 40–48.

<sup>80</sup> Spanish and Swedish firearms experts, EMPACT Firearms coordination meeting (note 48).

<sup>81</sup> Although Bulgaria declared to have transposed Directive 2017/853, the European Commission has not yet publicly assessed whether the new legislation meets the directive's specifications, and the authors did not interview Bulgarian officials as part of this study.

<sup>82</sup> Duquet, N. and Goris, K., *Firearms Acquisition by Terrorists in Europe: Research Findings and Recommendations of Project SAFTE* (Flemish Peace Institute, Brussels 18 Apr. 2018), pp. 93–94; and British National Crime Agency, '56 guns recovered in international firearms operation: 13 suspects arrested, 80kg heroin seized', 19 Sep. 2019.

<sup>83</sup> Czech officials (note 26); and EMPACT Firearms coordination meeting (note 48).

<sup>71</sup> Czech officials (note 26).

<sup>72</sup> French forensic experts, Written communication with authors, 5 Nov. 2019.

<sup>73</sup> Compilation of author interviews with firearms forensic experts from France (Cergy-Pontoise, 7 Aug. 2019), Spain (Madrid, 14 May 2019), North Macedonia (Skopje, 4 Sep. 2019), Kosovo (Pristina, 3 Sep. 2019), Czechia (Prague, 25 Sep. 2019) and Slovakia (Bratislava, 22 Oct. 2019).

<sup>74</sup> Dutch officials (note 64).

<sup>75</sup> Czech officials (note 26).

calibre firearms.<sup>84</sup> While Slovakia banned the online sale of AEWs in 2015, the English-language websites of some companies still advertised firearms modified to Flobert calibres in 2020.<sup>85</sup> Criminals acquire the weapons in Slovakia and then sell them abroad for a higher price.<sup>86</sup> Destination countries include the Netherlands, which has served as a hub for the trafficking of Slovak-origin weapons to other countries such as Belgium, France and the United Kingdom.<sup>87</sup>

Recent cases underscore the continuing role played by organized crime groups in the trafficking of converted firearms. In 2018, a joint operation involving the Netherlands, Poland and Germany investigated the sale of at least 1200 AEWs from a single gun shop in Slovakia.<sup>88</sup> Five Polish nationals, helped by one Czech national, were buying these weapons in batches and storing them in Poland, where a share of them were converted. The same group was also purchasing ammunition from an illegal source in Czechia. The weapons were transported in various ways to the Polish facility, and then to the Netherlands. The Czech accomplice took Euroline buses from Poland to the Netherlands and hid weapons in his luggage. Other firearms were smuggled using lorries and by post. Other weapons were converted in the southern region of the Netherlands, from where they were sold nationally and internationally, and later recovered in connection with other crimes.<sup>89</sup> The investigations are continuing and, as of 2019, only half of these weapons had been recovered.<sup>90</sup>

Investigations in the Western Balkans also shed light on the involvement of organized crime in trafficking weapons to the EU. A Swedish national was arrested in Albania in August 2018, after being caught in possession of 19 alarm weapons rebranded as Sig Sauers, while attempting to cross the border into Montenegro. The suspect revealed that he had previously travelled through Kosovo. It is believed

that he was planning to travel back to Sweden with the weapons to deliver them to a Swedish organized crime group.<sup>91</sup> In late 2018, the Kosovan police seized 99 guns marked as Sig Sauers and Glockes in a case involving another organized crime group that intended to export the weapons. Forensic examination of the firearms revealed that these were in fact 70 Zoraki 906 and 29 Zoraki 914, which had been rebranded and converted to fire lethal rounds. The seizure also included 303 rounds of 9 mm cartridges, 417 rounds of 7.65 mm cartridges and 5 rounds of 6.35 mm cartridges.<sup>92</sup>

### Uses

AEWs and Flobert firearms have been used to commit terrorist acts and mass shootings, most notably the 2015 Hyper Cacher attack in Paris.<sup>93</sup> The perpetrator of the July 2016 Munich attack used a converted 9 mm Glock 17 that had originally been sold in Slovakia as a Flobert weapon.<sup>94</sup> The illicit uses of converted weapons are diverse, however, and can vary widely from one country to another. Converted firearms are sometimes sold together with drugs, and synthetic drug dealers have been involved in selling converted firearms.<sup>95</sup> Experts noted that converted firearms are often used shortly after being acquired; in one case in the Netherlands, a converted firearm was used only three weeks after it was purchased.<sup>96</sup>

Serious criminals and groups involved in organized crime seem to favour AEWs and Flobert conversions over alarm weapons. In Slovakia, AEWs and Floberts are used for protection, attacks on rivals and high-end robberies.<sup>97</sup> In the Netherlands, their use is linked to drug-related crimes and drug wars.<sup>98</sup> Converted alarm weapons are used in a greater range of offences and crimes. In Czechia, Kosovo, North Macedonia and Slovakia, seizures of alarm weapons occur

<sup>84</sup> French officials (note 39).

<sup>85</sup> E.g. one company advertised a 9mm Grand Power Striborg SP9A2 (cal. 9 mm) pistol modified to 6mm Flobert for €778, see AFG Defense, 'Flobert Stribog SP9A2, cal. 6 mm', accessed 26 Aug. 2020.

<sup>86</sup> Slovak officials (note 59).

<sup>87</sup> Dutch officials (note 64).

<sup>88</sup> This case was presented during an interview; Dutch officials (note 64).

<sup>89</sup> A case linked to this one involved an British national living in the Netherlands, who bought firearms from this organized crime group, concealed them in a lorry without the driver's consent, and inserted a GPS chip on the package to enable his contact in the UK to find the lorry and merchandise; Dutch officials (note 64).

<sup>90</sup> Dutch officials (note 64).

<sup>91</sup> This case was presented during an interview; Kosovan officials (note 70).

<sup>92</sup> Kosovan officials (note 70).

<sup>93</sup> Florquin, N. and Desmarais, A., 'Lethal legacies: Illicit firearms and terrorism in France', ed. N. Duquet, *Triggering Terror: Illicit Gun Markets and Firearms Acquisition of Terrorist Networks in Europe* (Flemish Peace Institute: Brussels, 17 Apr. 2018), p. 208.

<sup>94</sup> The firearm was then converted and sold on the Dark Web as a lethal weapon. Duquet, N. et al., *Armed to Kill: A Comprehensive Analysis of the Guns used in Public Mass Shootings in Europe between 2009 and 2018* (Flemish Peace Institute: Brussels, 3 Oct. 2019).

<sup>95</sup> Dutch officials (note 64).

<sup>96</sup> Dutch officials (note 64).

<sup>97</sup> Slovak officials (note 59).

<sup>98</sup> Dutch officials (note 64).

primarily in the context of celebratory shootings or illegal possession (under the legal age). In France, the Netherlands, North Macedonia and Slovakia, alarm guns are used for low-level crimes, such as thefts. When converted, alarm weapons are used for personal safety, but also by petty criminals, including street drug dealers, who do not have the necessary connections to acquire a better quality firearm.<sup>99</sup> They are also used for committing suicide, in both converted and non-converted form, as the gas pressure expelled at point-blank range can be sufficient to cause a fatal head injury.<sup>100</sup>

### Ongoing threats

Interviewed officials underlined a number of ongoing threats related to firearms conversion. They include the use of semi-manufactured barrel rods, or raw barrels, for converting weapons. Police frequently recover such raw barrels in conversion workshops, and some criminals are specializing in transforming them into usable chambered barrels.<sup>101</sup>

There is continuing concern surrounding the use of fast parcel services for trafficking converted firearms.<sup>102</sup> Operation Bosphorus, for instance, has revealed how Turkish manufacturers export alarm weapons to dealers in Bulgaria, from where they are either carried in person or sent via fast parcel services to other countries.<sup>103</sup> While it is the country of origin's responsibility to check the content of packages being shipped abroad, in practice this is not done systematically, as there are millions of packages travelling every day.<sup>104</sup> The agents responsible for checking packages are not always trained to recognize the parts of firearms being shipped either. Moreover, if the criminals shipping the weapons are located outside of the EU, it is harder to prosecute them.

Internet sales, including on classified advertising websites, remain a common way to sell converted alarm weapons in Europe. In Spain, the use of

classified advertisements and social media platforms was common in the trafficking cases shared by the police.<sup>105</sup> Firearms deactivated before the adoption of the new EU standards are also being sold via classified advertising websites in France and Germany.

Another trend involves assembling firearms using multiple components acquired from different origins.<sup>106</sup> Receivers are acquired from deactivated firearms purchased online or produced at home from an unfinished '80 per cent receiver' or using a 3D printer.<sup>107</sup> Criminals acquire the remaining parts (e.g. the barrel, breech and slide) by placing different orders in countries where they are freely accessible, including the United States. The unlawful owner can then build a fully functional firearm, often automatic, that cannot be traced. The Institute for Criminal Research of the National Gendarmerie (Institut de recherche criminelle de la Gendarmerie nationale, IRCGN) has already examined some of these firearms in France.<sup>108</sup>

## V. CONCLUSIONS

This paper highlights the current dynamics of converted firearms proliferation in Europe. Law enforcement officials currently consider firearm conversion to be among the main sources of illicit firearms in Europe. Alarm handguns and firearms modified to Flobert calibres are the main types of converted firearms circulating illicitly in the region. The modification of blank ammunition into lethal rounds for use in converted alarm weapons has evolved from a primarily artisanal process to one that is now more significant in scale, as illustrated by the seizure of several large concealments of converted ammunition in recent years. Other ongoing and emerging firearm-related threats in Europe include the use of semi-manufactured barrel rods, or raw barrels, for converting firearms; the use of fast parcel services and of the internet—including sales on classified advertising

<sup>105</sup> One of these cases is presented in the Spanish results of Operation Bosphorus. Spanish officials (note 52); and EMPACT Firearms coordination meeting (note 48).

<sup>106</sup> French officials (note 77).

<sup>107</sup> Some of the reviewed websites declared that they will stop selling upper and lower receivers in accordance with the EU legislation once it enters into force. With this type of receiver, the customer only has to build the remaining 20% for it to be fully functional. Some countries in the EU do not consider these receivers to be restricted firearm components.

<sup>108</sup> French officials (note 77). See also Hays, G., Ivan, T. and Jenzen-Jones, N. R., *Desktop Firearms: Emergent Small Arms Craft Production Technologies* (Armament Research Services: Perth, Mar. 2020).

<sup>99</sup> French officials (note 39); and Florquin and King (note 1), pp. 36–38.

<sup>100</sup> For studies on the lethality of unmodified alarm weapons used to commit suicide, see Giese, A. et al., 'Head injury by gunshots from blank cartridges', *Surgical Neurology*, vol. 57, no. 4 (2002), pp. 268–77; or Demirci, S., Dogan, K. H. and Koc, S., 'Fatal injury by an unmodified blank pistol: A case report and review of the literature', *Journal of Forensic and Legal Medicine*, vol. 18, no. 6. (2011), pp. 237–41.

<sup>101</sup> French officials (note 39); and Dutch officials (note 64).

<sup>102</sup> Spanish officials (note 52).

<sup>103</sup> See Duquet and Goris (note 82).

<sup>104</sup> Spanish officials, Interview with authors, Madrid, 13 May 2019.

websites—for trafficking; and the reassembly of firearms using components acquired from multiple sources.

It is encouraging that most of the states visited for this study had either passed the relevant legislation or were in the process of harmonizing their regulations with the latest EU directives, which should further reduce the access to readily convertible firearms. The joint operations conducted through EMPACT Firearms have dismantled several trafficking networks, increased the exchange of information and helped enhance the monitoring of illicit firearms flows in Europe. These efforts combined have qualitatively affected the market for illicitly converted firearms. The most frequently observed types and models of readily convertible weapons have also changed over time, and some criminals seem to be turning to alternative sources as a result.

However, it still remains unclear how many member states have fully transposed the new EU regulations into their national legislation—almost three years after their adoption—and delays in this process have, in

any event, allowed converted firearms to continue to proliferate. It is essential that regulatory discrepancies between member states be addressed in a matter of urgency, notably regarding the process for verifying the non-convertibility of alarm weapons and the classification of weapons modified to Flobert calibre. The European Commission has a key role in this regard, to assess the state of affairs in all member states. Other regulatory challenges, such as the standardization of proofing and testing methods for alarm weapons, require the involvement of the practitioner community. There continues to be a lack of sufficiently consistent and detailed firearm-related statistics, making it challenging to assess the impact of recent measures on the trafficking and use of converted firearms. Therefore, improving the strategic intelligence picture of illicit firearms trafficking in Europe, as proposed by the Commission in the 2020–2025 EU Action Plan on Firearms Trafficking, will be critical to measuring the success of these efforts and detecting new emerging threats.<sup>109</sup>

<sup>109</sup> European Commission (note 1), pp. 9–10.

**ABBREVIATIONS**

AEW	Acoustic expansion weapon
EMPACT	European Multidisciplinary Cooperation Platform Against Criminal Threats
EU	European Union
EUCJ	European Court of Justice
ID	Identification document
SALW	Small arms and light weapons



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## A EUROPEAN NETWORK

In July 2010 the Council of the European Union decided to support the creation of a network bringing together foreign policy institutions and research centers from across the EU to encourage political and security-related dialogue and the long-term discussion of measures to combat the proliferation of weapons of mass destruction (WMD) and their delivery systems. The Council of the European Union entrusted the technical implementation of this Decision to the EU Non-Proliferation Consortium. In 2018, in line with the recommendations formulated by the European Parliament the names and the mandate of the network and the Consortium have been adjusted to include the word 'disarmament'.

## STRUCTURE

The EU Non-Proliferation and Disarmament Consortium is managed jointly by six institutes: La Fondation pour la recherche stratégique (FRS), the Peace Research Institute Frankfurt (HSFK/ PRIF), the International Affairs Institute in Rome (IAI), the International Institute for Strategic Studies (IISS), the Stockholm International Peace Research Institute (SIPRI) and the Vienna Center for Disarmament and Non-Proliferation (VCDNP). The Consortium, originally comprised of four institutes, began its work in January 2011 and forms the core of a wider network of European non-proliferation and disarmament think tanks and research centers which are closely associated with the activities of the Consortium.

## MISSION

The main aim of the network of independent non-proliferation and disarmament think tanks is to encourage discussion of measures to combat the proliferation of weapons of mass destruction and their delivery systems within civil society, particularly among experts, researchers and academics in the EU and third countries. The scope of activities shall also cover issues related to conventional weapons, including small arms and light weapons (SALW).

[www.nonproliferation.eu](http://www.nonproliferation.eu)

## EU Non-Proliferation and Disarmament Consortium

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**PRIF**  **HSFK**  
Peace Research Institute Frankfurt Hessische Stiftung  
Friedens- und Konfliktforschung

**PEACE RESEARCH INSTITUTE  
FRANKFURT**

[www.hsfk.de](http://www.hsfk.de)

 **iai** Istituto Affari  
Internazionali

**INTERNATIONAL AFFAIRS INSTITUTE**

[www.iai.it/en](http://www.iai.it/en)

 **IISS**

**INTERNATIONAL INSTITUTE  
FOR STRATEGIC STUDIES**

[www.iiss.org](http://www.iiss.org)

 **sipri**

**STOCKHOLM INTERNATIONAL  
PEACE RESEARCH INSTITUTE**

[www.sipri.org](http://www.sipri.org)

 **VCDNP**

Vienna Center for Disarmament  
and Non-Proliferation

**VIENNA CENTER FOR DISARMAMENT  
AND NON-PROLIFERATION**

[www.vcdnp.org](http://www.vcdnp.org)