

FU impact assessment

Due to the fact that even after 10 months since when the Commission published in November 2015 its "Proposal for amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons" an impact assessment was not submitted, Firearms United decided to make its own following Commission's four studies on firearms and gun crime and regarding Commission's "Guidelines on Impact Assessment" as best as possible.

European Commission described the problem on 18th of November 2015 identifying as affected terrorists, criminals, drivers of illicit trafficking as well as all sources of illegally firearms.

EC estimated problem's scale citing some sections of the "EC DG Home study on illicit trafficking of firearms" (2014), the main point was that "is estimated that illicit firearms trafficking has been directly responsible for at least 10,000 firearms-related deaths in EU Member States over the past decade".

European Council, Commission and European Parliament want to combat illicit firearms trafficking to prevent firearms-related deaths within and outside of the EU:

1. Terrorism
2. Homicides
3. Mass murders
4. Gun crime

To be clear:

1. When we talk about terrorism prevention it must be said that Islamic Extremists killed in 2004 a number of 192 people with stolen explosive, EU then decided to implement TTE (Track and Trace of Explosives) which has a cost more than 40 million Euros and it didn't prevent November 2015 Paris attack and 2016 Bruxelles bombing, as well as Ansbach, in which everytime terrorist used illicit explosives, now EU wants the same for chemical, biological, radiological or nuclear. EU wants also to ban "most dangerous" legally-held firearms, as well as stricter rules for legal access to firearms and more data-bases of holders, dealers and convictions.
2. Since October 2013 EU bodies presented a lot of interesting numbers about firearms-related homicides, everytime number were manipulated or at least omitted in order to achieve the higher impact even if the commission published since July 2014 four studies with facts on firearms and gun crime; The recommendations and conclusions of whom were completely ignored. Real numbers prove evidence of a reducing trend in the homicide rate in EU, which dropped more than 50% during the last 12 years, between those homicides only 17% were committed with firearms (both Illegally and Legally held). Most important of all is the fact that at least 75% of gun related homicides were committed with legally held firearms, that means that starting from a total number of gun related 5111 homicides in 2012 in 28 member states a maximum of 2011 were committed with legally held firearms, the real number can be estimated to be about **70 to 150 legally held firearms related homicides per year between 28 member states** ((Eurosafe Data).
Must be said that:
 - a. Most of these homicides occur during quarrels in relationships, where the victim is predetermined and the mean is secondary.
 - b. Most of these homicides were committed with shotguns of category D, with hunting rifles of category C or with short handguns of category B. There is no evidence that semi-automatic rifles have been misused in not gang-related homicides.
 - c. Very, very seldom an authorised gun owner runs amuck and misuses his semi-automatic rifle for mass murder.

3. About mass murder just some considerations:

- a. Mass murderers use explosives, firearms, poison, fire in small rooms (plane, cinema, train) and vehicles for their attacks.
- b. Access to weapons is only one of many component; The high preference of firearms has nothing to do with their lethality. Mass murders with fire and explosives would be much more "effective" in terms of the number of victims. The use of firearms allows a pre-planned staging, including the selection of victims, and guarantees high media presence.
- c. 40% of the mass shootings took place within ten days after extensive media coverage of another shooting (copycat phenomenon).
- d. Massacres in the past were committed with supposedly much "less dangerous firearms (Finland in 2007 and 2008, Cumbria shootings in UK 2010).
Banning semi-automatic rifles will not prevent massacres.
- e. John Lott in October 2015 wrote that "Since at least 1950, all but two public mass shootings in America have taken place where general citizens are banned from carrying guns. In Europe, there have been no exceptions. Every mass public shooting — and there have been plenty of mass shooting in Europe — has occurred in a gun-free zone"
- f. Czech President Milos Zeman wants to make it easier for citizens to obtain guns in order to protect themselves from terrorists. Zeman further urged people who already own guns to start carrying them outside their homes

4. About preventing gun crime:

- a. Prof. Gary Kleck: It must be concluded that higher gun ownership rates do not cause higher crime rates, including homicide rates. The most likely explanation is that:
 - i. Most guns are possessed by non-criminals whose only involvement in crime is as victims, and
 - ii. Defensive gun use by crime victims is both common and effective in preventing the offender from injuring the victim.
 - iii. In a combined country (US-EU) high availability of firearms was associated with lower levels of victimization by contact crime in general, suggesting a potential deterrent effect of availability
- b. Commission spent € 600.000 for a 12-month-research on gun crime. The final report of the EFFECT-PROJECT has been published in May 2016:
 - i. Individual contact crimes involving firearms are a relatively rare occurrence across European countries
 - ii. There is more evidence that firearms owners are likely to be victims of, rather than perpetrators of, violence
 - iii. A potential deterrent effect was also found, since higher levels of firearm ownership in a country were associated with lower levels of victimization by contact crime in general
 - iv. Legislative controls on legitimate acquisition of firearms was the most often adopted legislative response to gun crime, but there is little evidence to support any beneficial effect, many stakeholders expressed doubts that firearms legislation may impact gun crime

Sources of black market:

Sources of black market are mainly Weapons of war from former conflict zones and reactivated weapons, theft and burglaries of legally held weapon is a non issue percentage, plus since now firearms used by terrorists where 100% from the first 2 sources, no case of legally held stolen firearms none of course of legally held.

In that graph we propose a way of intervention on the Black Market issue.

Loopholes	Cross Border Cooperation
Lack of harmonized deactivation standards	Financial support for outer border control
Lack of harmonized "essential components"	Missing resources for investigative work
Lack of harmonized definition of "readily convertible"	Missing data bases for drivers and convictions
Lack of definition of "antique weapons"	Missing penalties for illicit trafficking

How to achieve the various goals:

EC DG Home published in July 2014 a study with 204 pages on combating illicit trafficking of firearms

- (1) Status Quo and Baseline Scenario (5% of Eu survey participants favourite): ***"continuation of the current situation with no new EU intervention."***
 - existing international conventions are being implemented minimum level of harmonisation already exists with the illicit manufacturing of and trafficking in firearms being criminalized
 - some legislative developments at the national level could proceed anyway in the absence of an EU initiative in this area.
 - existing tools for police and judicial cooperation will almost certainly evolve and improve
- (2a) Non-Legislative Action (65% of Eu survey participants favourite): ***"promoting closer collaboration between Member States rather than introducing new EU-level initiatives. This option would include non-statutory intervention, either as a first step or supporting action for implementing EU legislation in the future."***
- (2b) Minimum legislative intervention at the EU level (3% of Eu survey participants favourite): ***"a minimum level of legislative intervention at EU level that would aim to strengthen cross-border cooperation between law enforcement agencies."***
 - Improvement of the availability of information on illicit firearms trafficking
 - EU-level databases (covering legal and illegal possession of firearms, firearms dealers, etc)
 - Minimum harmonization among Member States of the legal basis for special investigative techniques used by law enforcement authorities in inquiries relating to firearms trafficking.
 - Strengthening the roles of EU agencies (notably Europol and Eurojust).
- (3) Comprehensive legislative solution at the EU level (20% of Eu survey participants favourite): ***"EU action to introduce legally-binding common minimum standards across Member States with regard the definition of criminal offences and their sanctions related to illicit arms trafficking and linked offences."***
- (4) Proposal by Commission (% of Eu survey participants favourite): ***"When Commission published its proposal in November 2015 with bans for all firearms which look like weapons of war it claimed that this ban would prevent terroristic attacks with firearms."***
 - this Directive, although the aim is better security for the citizens, is not addressing illegal arms and with them related organized crime and terrorist activity, which are only two types of gun related problems. It's more about preventing legal firearms from ending up on the black market, preventing shooting rampages, suicides, homicides and accidents with firearms. (LIBE)
 - Not only the proposed ban, but also the stricter rules for legal access of firearms met resistance by Parliament, as well by Council.

- (5) Compromise by Trilogue: **“This compromise is in working progress, nobody knows the outcome at this moment.”**
 - It does not matter what the trilogue's compromise handles in detail (bans and exemptions, shifting of categories or stricter rules for access or movement), this compromise will not tackle the black market, but only the licit one.
- (6/2a) Closing Loopholes and most favoured Option 2(a):
 - Preventing access for ordinary criminal end users
 - New harmonized technical guidelines could close four loopholes: deactivation standards, definition of 'essential components', 'readily convertible' and of 'antique' weapons.
 - Preventing mass murders and terrorism: Family and friends do not report suspicious behaviour to authorities due to the heavy impact for the legal gun owner. Authorities cannot withdraw licenses for a short-term only. They can only do this permanently or not at all. A permanent withdrawal violates a lot of individual rights. Therefore it receives heavy resistance by the owner and leads to long-time law-suits
 - Preventing access for Organized Crime Groups By tackling the drivers the most important source for illicit trafficking becomes smaller
 - Preventing legal access for citizens who may present a risk for security, EU-wide database of convictions would help authorities to check reliability.

Impact of the above proposals:

When quantitative analysis is not possible or proportionate, impacts should be assessed qualitatively, focussing on the practical implications for affected parties the EU study to combat illicit trafficking of firearms 28 did not view the distributional effects und burdens of individual parties (licit firearms sectors and drivers) for all three options.

- Option 1: Option 1 has a low positive impact on illicit trafficking, but a negative impact for the licit market.
- Option 2: Option 2 has a high positive impact on illicit trafficking and 0 net effect for the licit market.
- Option 3: Option 3 has a high positive impact on illicit trafficking and 0 net effect for the licit market.
- Option 4: Option 4 has a negative impact on illicit trafficking, an utmost high negative impact for the licit market and extremely high costs for authorities.
- Option 5: Option 5 has a low positive impact on suppliers, a low negative impact on illicit end-users and a high negative impact for the licit market.
- Option 6: Option 6 has a high positive impact on illicit trafficking, as well as for the licit market with adequate costs for authorities.

Comparison:

Impact of options on:	Options					
	1	2	3	4	5	6
Illicit end users	+1	+4	+5	-5	-2	+4
Illicit traffickers and other intermediaries	+1	+5	+5	-3	0	+5
Illicit suppliers	+1	+3	+3	-3	+2	+3
Impact on Illicit groups	+3	+12	+13	-11	0	+12

Financial, economic and social impacts	Options					
	1	2	3	4	5	6
Costs to public authorities	-1	-2	-2	-5	-3	-3
Economic impacts on EU's licit firearms sector	-3	0	0	-5	-3	+3
Social impact on law abiding owner of firearms	-2	0	0	-5	-4	+3
Impact on licit groups	-6	-2	-2	-15	-10	+3

TOTAL	-3	10	11	-26	-10	15
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- Options 1 is the baseline scenario (doing nothing) with impact assessment.
- Option 2 + 3 have been made with participation of 10 law enforcement agencies, 41 Entities covered by the Firearms Protocol and 2 academics/experts and with impact assessment.
- Option 4 (Commission's Proposal) has been made without consultation of stakeholders, without impact assessment and is already rejected by the amendments of the European Parliament.
- Option 5 will be a compromise of trilogue without impact assessment
- Option 6 has been made by FIREARMS UNITED, a grassroots movement with members belonging to the licit firearms sector, which really read all four studies and impact assessments of the EU regarding firearms and gun crime and followed their recommendations.

Conclusions:

- Doing nothing (Option 1) would have a better positive impact on illicit trafficking than accepting the outcome of the trilogue (Option 5). But it would also have a negative impact on the licit sector.
- Rejecting Option 5 would delete the general condemnation of law abiding gun owners. None of the studies gave any evidence that owners of already registered firearms of category A to D pose a significant risk for society, not even for relationships.
- Rejecting option 5 would increase confidence in the EU to make rational, proportional and subsidiary decisions.
- Rejecting option 5 would destroy at least one important reason for leaving the Schengen area or another exit of EU.

[Without financial support by governments and due to missing time FIREARMS UNITED is not able to monitor and evaluate Option 4 or 5. But we found that Commission's Proposal²⁹ misinterpreted the evaluation of the Firearms Directive and its recommendations](#)