

PROJECT DIVERT: REPORT

Forgotten weapons?
**Non-regularised
firearms**
in the European Union



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Colophon

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Executive Summary

Background

Project DIVERT is an international research project to contribute to the fight against illegal firearms markets in Europe. To this end, the project has investigated various methods by which legal firearms are diverted and become illegal. Because most illicitly held firearms in the European Union have a legal history, generating a better intelligence picture on firearms diversion is critical. It can help better understand the original transition of weapons into the illegal cycle and develop effective tools to stop such spillovers.

This report examines firearms diversion through non-regularisation. It is part of a three-part series exploring previously under-researched firearms diversion methods in the EU. Two additional studies deal with firearms diversion through theft and fraud. We define non-regularisation as:

The act of not regularising the legal status of firearms, ammunition or firearm components, for example, by not asking for the necessary authorisation or registering them, after a change in legislation or another major event (e.g. armed conflict).

Process

The Flemish Peace Institute coordinated Project DIVERT and carried it out in partnership with the Stockholm International Peace Research Institute (SIPRI). In addition, researchers from Arquebus Solutions contributed extensively to the first two research phases. Operational partners in this project were the Intelligence Centre Against Terrorism and Organized Crime (CITCO) of the Spanish Ministry of Interior Affairs, the Central Directorate for the Combat of Organised Crime (DJSOC) of the Belgian Federal Police and Europol. Project DIVERT was co-funded by the Internal Security Fund – Police of DG Migration and Home Affairs of the European Commission.

In the first phase of the project, 28 country mappings were conducted through desk research to explore the scope, characteristics and dynamics of firearms diversion in all EU Member States. In the second phase of the project, in-depth analyses of eight EU Member States were undertaken to deepen our understanding of non-regularisation and analyse policy initiatives developed to prevent it. These studies included extensive field research. In the third phase of project DIVERT, the Flemish Peace Institute's research team conducted a systematic and comparative analysis of the studies carried out in the first and second phase of the project and organised six expert meetings to discuss the findings and identify good practices. The results of the comparative analysis form the basis of this report. With the assistance of the operational partners, the research partners were able to collaborate extensively with numerous national law enforcement agencies during three EMPACT Firearms meetings and at other moments during the project.

Findings

Non-regularisation is an important diversion method responsible for the existence of a large quantity of illicitly held weapons across the EU. Our research has also shown that it is difficult to estimate the exact scope of non-regularisation, as only a few Member States collect comprehensive data on the phenomenon. This lack of data means that findings on the topic have to be interpreted with caution. The degree to which non-regularisation affects illegal firearms possession in the EU differs between its Member States. Our research suggests that some of the most populous states in Europe, such as Germany and Poland, owe important parts of their illicitly held firearms to national sources of non-regularisation.

Even though many EU Member States are affected by non-regularisation, they often deal with different root causes triggering the process. On the one hand, most countries in the EU are affected by some national legacy of armed conflict or drastic political transition on national territory that triggered firearms diversion. Legacy firearms from the First and Second World War are, for example, still widely spread across the EU. Similarly, legacy firearms from the Western Balkans circulate widely in the EU. Other legacies, such as firearms that were non-regularised during the dissolution of the Soviet Union, are shared (to differing degrees) by countries in Central and Eastern Europe.

Significant firearms legislation changes are another trigger for non-regularisation that we have identified. This problem affects several Member States. A typical context for this type of non-regularisation is the reclassification of live-firing firearms and tightening regulations on non-live-firing firearms (e.g. gas pistols or alarm weapons). A third type of non-regularisation concerns the inheritance of firearms. Here, non-regularisation can happen when heirs do not correctly regularise legal firearms, or non-regularisation can be prolonged if illegal guns are inherited but not surrendered. According to our findings, this phenomenon seems to occur in many Member States, but reliable, detailed information on diversion through inheritance is scarce. Only in a few Member States sufficient data exist to describe inheritance as an essential source of firearms diversion.

Our research shows that regular civilians, not criminals, own most non-regularised firearms in the European Union. Yet, illicit trafficking and the criminal misuse of non-regularised firearms do occur and can threaten security and peaceful co-existence in EU Member States. The organised cross-border trafficking of non-regularised firearms for criminal ends in the EU seems mainly limited to firearms originating from countries in South-Eastern Europe. Moreover, we found that non-regularised firearms are also trafficked for non-criminal ends, for example, by firearms collectors. Besides the cross-border movement, non-regularised guns are also traded within national borders. Such sales are easier now than in the past as internet pages offering second-hand goods constitute a connection between otherwise law-abiding citizens and traffickers, for example, to trade inherited guns.

For most countries that we examined in-depth for this study, the use of nationally sourced non-regularised firearms in the criminal milieu seems atypical. Yet, in some countries that have experienced recent armed conflict, we found evidence of legacy

firearms being used in criminal acts and shootings, sometimes even to commit murders (e.g. Ireland, Croatia). In other countries, locally sourced non-regularised firearms are frequently used in crimes regardless of recent conflict legacy (e.g. Denmark, France). In yet other countries, legacy firearms from the Western Balkans are most commonly used in crime (e.g. Sweden).

Policy Recommendations

A good intelligence picture is the starting point for a solid regulatory framework and effective operational initiatives. Our research indicates that, in general, national law-enforcement experts are aware of the sources of non-regularisation in their respective countries. Research exists on those forms of non-regularisation framed as a security threat by national or international authorities, especially on the trafficking of legacy firearms from the Western Balkans. Yet, few Member States seem to have a systematic knowledge of the impact and scope of other non-regularisation sources.

Increased knowledge about non-regularised firearms and their use in crimes can give law enforcement a vital tool in mapping diversion sources, and the actors involved in trading diverted firearms. To improve the intelligence picture on firearms non-regularisation, the following actions should be taken:

- Invest in better data collection and analysis. This should include analysing seized guns more systematically for their point of diversion and considering different types of non-regularisation as causes for diversion. It may involve creating dedicated databases on non-regularisation incidents.
- Systematically trace guns used in crimes. That allows determining the locations of firearms diversion and can help develop strategies to reduce gun crime.

Next to improving the intelligence picture, authorities have multiple policy tools at their disposal to prevent the non-regularisation of firearms:

- Use well designed legal firearms inheritance processes, offering heirs options to legalise, deactivate, sell or surrender inherited guns. Communicate these options well to the public, and seize guns immediately if the process is not adhered to.
- Conduct detailed assessments before firearms legislation changes, focusing on identifying risks of non-regularisation. Try to mitigate these risks by offering options to surrender or legalise guns concerned by the regulatory change. Seize guns immediately if new rules are not adhered to.

As part of this report, we have also studied collection measures as a response to preventing and mitigating diversion via non-regularisation. We have found that collection programmes are used for different purposes (to remove or regularise firearms) and at various governmental levels places (local vs national). Our research has shown that federal removal programmes are mainly used in contexts with high illegal possession rates for reasons such as conflict legacies or important recreational traditions such as hunting. National regularisation programmes, on the other hand, are

typically employed in the light of legislative changes. Most local programmes are used for crime reduction in isolated contexts.

Based on a comparison of more than 50 collection measures, we identified multiple aspects that authorities need to consider to conduct a successful collection measure. During the preparation and implementation phase, they need to take into account:

- The goals (e.g. regularising firearms, taking guns out of circulation, raising awareness)
- Target groups (e.g. criminals, groups of specific gun owners, the general population)
- The form (e.g. local vs national, the duration)
- The amnesty provision (e.g. exception of illicit possession from punishment, anonymous vs non-anonymous collection processes)
- Communication strategies
- Resource allocation (e.g. workload of personnel and forensic laboratories, cost for safety precautions)

During these collection measures, the authorities also need to pay specific attention to data collection (e.g. recordkeeping of handed in guns, forensic analysis of handed in guns) and data analysis (e.g. comparing gun crime or awareness for illicit firearms possession before and after collection measures; analysing handed in firearms for their origin). This enables an evaluation of the results of the measures and an estimation of the (potential) societal impact of these measures.

1

Introduction

This report seeks to study non-regularisation of firearms in the European Union and aims to review the various legal frameworks and policies developed to combat this phenomenon. We define “non-regularisation” as

“The act of not regularising the legal status of firearms, ammunition or firearm components (for example, by not asking for the necessary authorisation or registering them) after a change in legislation or another major event (e.g. armed conflict)”.¹

This describes a situation in which a firearm should (by law) have undergone a process of *regularisation* (ie legalisation) but has not. It often comes into being by “doing nothing”, for example, through a person not registering an inherited firearm or a gun that was freely available but requires a licence after a change in the law. This “passive” diversion differs from diversion methods such as fraud or theft, which in most cases require an “active act” driven by some degree of criminal intent.

Most readers will be familiar with those examples of non-regularisation which have received media attention in recent years. This concerns, above all, weapons diverted during the Balkan wars of the 1990s. Significant amounts of these guns ended up with criminals, and terrorists, which underlines the need for an in-depth look into the phenomenon. Besides this well-known issue, many other types of non-regularisation remain underexplored. This lack of knowledge particularly concerns the impact that law changes and undue inheritance can have on firearms diversion.

Analysing non-regularisation is not an easy endeavour since only a few European countries record official numerical assessments or studies on the problem. This lack is connected to the hidden nature of the phenomenon. For one thing, the weapons

¹ “Firearm” means any portable barrelled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant. (DIRECTIVE (EU) 2017/853, Article 1)

concerned may never have been registered. For example, this applies to an old hunting rifle acquired when registration was not mandatory that becomes subject to regularisation after a law change. On the other hand, if firearms were previously registered, their non-regularisation may not be known because the authorities, for some reason, did not verify their (legal or illegal) status. Guns disappearing into illegality during chaotic post-conflict situations are an example of this problem.

This lack of estimated or official numbers makes it particularly difficult to assess the scope of non-regularisation. For some countries, police provide non-numerical estimates of the phenomenon's size (e.g. "non-regularisation is a big problem"). Besides, some useful proxies serve to gauge the size of the phenomenon. For example, the analysis of data of surrender programmes can provide insights into when firearms were diverted and whether they were non-regularised when handed in.

Finally, case evidence from media reporting or provided in interviews provides valuable insights into particular types of non-regularisation. Despite these methodological challenges, our research suggests that private citizens who have not regularised their guns are the largest group of illegal firearms owners in several EU Member States.

To study the non-regularisation of firearms in the European Union, we start by describing the characteristics of different types of the phenomenon (Chapter 2). Equipped with a deeper understanding of non-regularisation's different types, we then examine the scope of non-regularisation in various Member States (Chapter 3). The fourth chapter examines the circumstances under which non-regularised firearms are changing ownership (e.g. falling into criminal hands) and in which situations they are used to commit criminal acts. Policies to prevent and tackle non-regularisation are discussed in Chapter 5, which focuses predominantly on collection measures (more commonly known as "amnesty programmes"). Finally, chapter six concludes the report, summarizing our findings and discussing best practices of combating and preventing non-regularisation.

Box 1 Research design

The findings of this report are based on three distinct research phases of project Divert.

In the **first phase** of the project, 28 country mappings were conducted through desk research to explore the scope, characteristics and dynamics of firearms diversion in all EU Member States.¹

In the **second phase** of the project, eight in-depth country studies were produced to deepen our understanding of non-regularisation and analyse policy initiatives developed to prevent it. The eight countries were selected to ensure a representative geographical spread across the EU. The studies were undertaken by country teams comprising experts with significant policy-oriented research experience on international firearms trafficking and specific knowledge of the eight selected EU member states' situation. Researchers combined a mix of quantitative and qualitative methods and sources, including a literature review, media analysis, national statistics analysis, and semi-structured interviews with national experts to examine diversion in these countries.

Table 1: Overview of the country research teams

Country report	Organisation	Research team
Belgium	Flemish Peace Institute	Quitterie de Labbey Nils Duquet
Croatia	Flemish Peace Institute	Quitterie de Labbey Nils Duquet
Estonia	Arquebus Solutions	Paul James Declan Hillier
Germany	Flemish Peace Institute	Matteo Dressler
Latvia	Arquebus Solutions	Paul James Declan Hillier
Lithuania	Arquebus Solutions	Paul James Declan Hillier
Spain	Flemish Peace Institute	Matteo Dressler
Sweden	Stockholm International Peace Research Institute (SIPRI)	Mark Bromley Giovanna Maletta

In the **third phase** of project DIVERT, the research team conducted a systematic and comparative analysis of the country studies that were carried out in the first and second phase of the project. This third research phase aimed to integrate the broad findings from 28 country mappings with the eight country studies' specific insights and combine them into a final report. In the absence of extensive quantitative data, the research

¹ At the starting date of the project, the UK was still an EU Member State and therefore included in the phase of the country mappings.

teams created a large database on cases of non-regularisation that proved invaluable for the analysis. This database can be found in the Annex to this report.

Throughout the project, the research team disseminated its findings on the characteristics, scope, and policy responses on non-regularisation in the EU to a community of practitioners to share information with the participating experts and receive their critical feedback. This discussion was, for example, facilitated through three EMPACT¹ Firearms meetings and six expert meetings. This approach maximized a comprehensive integration of the EU and Member States' perspectives on the realities of firearms diversion and best practices to combat them

¹ EMPACT (European Multidisciplinary Platform Against Criminal Threats) is a security initiative driven by EU Member States to identify, prioritize and address threats posed by organized and serious international crime.

2

Characteristics and dynamics of non-regularised firearms in the European Union

The non-regularisation of firearms, their component or ammunition can happen under different circumstances. This chapter explores these contexts in EU Member States and discerns some of their main characteristics. From our research, different types of non-regularisation have emerged. In the following sections, we focus on non-regularisation that is connected to:

- the often chaotic period after an armed conflict or a drastic political transition during which firearms were not "regularized" as required by law. We also refer to these weapons as (conflict) legacy firearms;
- regulation changes that require firearms owners to take action (e.g. by applying for authorisation, deactivating, surrendering or declaring firearms). If no action is taken, this can result in the non-regularisation of specific groups of firearms affected by a change in the law;
- the failure by an heir to notify authorities about the inheritance of firearms.

In addition to these three predominant types of non-regularisation, we have identified cases of non-regularisation across EU Member States where legal gun owners do not extend their authorisations but still keep their firearms in their possession. While we identified only a few cases, we believe this phenomenon is potentially much more prominent since this type of non-regularisation is generally not recorded separately in official government data and often does not end up in media articles. Due to the lack of data, we were not able to analyse this phenomenon in depth. As a result, it is unknown whether this type of non-regularisation is mainly intentional or whether firearms owners simply forget about their obligation to regularise their firearms.

2.1 Legacies of armed conflict and political transition

There are many reasons for an influx of firearms into society during armed conflict. For example, the procurement of arms by state or rebel forces, civilians purchasing firearms for self-defence, or capturing weapons from battlefields by civilians or other armed

forces. Areas hit hardest by conflict are often characterised by the absence of the rule of law. Effective control over firearms possession is no longer possible.¹ After the war, the state (or some other placeholder, e.g. peacekeeping troops) tries to reinstate the rule of law and the monopoly over violence, including gaining control over instruments to exercise acts of violence, such as firearms. At this moment, guns in the hands of former combatants can either be brought under control (registered, deactivated, etc.) or be collected and destroyed. If these options fail, there is a risk of non-regularisation. In other words, the immediate post-conflict period is crucial in determining whether firearms remain or move into the light, where the state (or another authority) can see them, or if they fall into darkness, where they may remain for an indefinite period. The following sections discuss the issue of legacy firearms for the end of the Balkan conflicts, the Second World War and more nationally and locally confined cases of armed conflict in Spain, Northern Ireland and the Basque country. Societies undergoing large political and social transformation unrelated to an armed conflict may face similar challenges with legacy firearms. We look at the end of the Warsaw Pact and Portugal's transition to democracy in the 1970s.

2.1.1 The Balkan conflicts and the end of the former Republic of Yugoslavia

As has been widely reported on, weapons that have been non-regularised during and after the end of the Balkan conflicts, which caused the Yugoslav Republic's disintegration, are a primary source of illegal arms in the EU.² Legacy weapons from the Western Balkans have illicitly been trafficked to most EU Member States. Previous research has identified a wide variety of EU Member States as source country (e.g. Croatia), transit countries (e.g. Austria, Croatia, Italy, Slovenia) and destination countries (e.g. France, Germany, Greece, Ireland, Italy, the Netherlands, Scandinavian countries, Spain, UK).³ In the following paragraphs we illustrate the issue of legacy firearms in the Balkan primarily using the example of Croatia. This is the case because the country is a member state of the EU and therefore fits into the scope of this project and because it is one of our in-depth case studies, for which we were able to complement previous literature with various expert interviews.

During the armed conflicts in former Yugoslavia in the 1990s, two main factors contributed to a large stockpile of firearms. At the time of its collapse, Yugoslavia had one of the largest armed forces in Europe, with an accompanying large stock of firearms. While most of these weapons ended up in Serbian forces' hands, other armed actors in the region also relied on additional, mainly international, sources to acquire weapons.⁴ Despite a UN and EU arms embargo that applied to all of the territory of the former Yugoslavia, significant arms flows were organised to supply weapons to the different armed forces engaged in the conflict.⁵ According to the US Under Secretary of State for Arms Control and International Security, Croatia, for example, is estimated to have imported weapons valued at USD308 million between 1993 and 1995.⁶ In 2012, for example, Chile's Supreme Court convicted two retired generals for breaching the UN arms embargo by selling weapons and ammunition – disguised as humanitarian aid – to Croatia in the early 1990s.⁷

Despite ongoing stockpile management and firearms collection programs around the region, the end of the armed conflicts in former Yugoslavia led to a situation in which many firearms were non-regularised.⁸ When the Yugoslav People's Army (JNA) disbanded, a significant number of former soldiers deserted, taking with them the guns in their possession.⁹ At the same time, some firearms used by state forces were transferred to local armed groups, and in that way, they were removed from official control.¹⁰ Moreover, since the beginning of the war, there was little or no control of legal possession or the purchase of illegal firearms by civilians. Particularly at the beginning of the war, citizens acquired many weapons for self-protection at a high price – in Croatia, sometimes even for a few thousand German marks per piece.¹ Those firearms often stayed in the hands of civilians or former soldiers after the conflict ended because of the high price they had paid for them, the perceived need for self-protection during the post-conflict era, or for reasons of emotional attachment.¹¹ Until today, possession of such “legacy firearms” in the Western Balkan countries remains widespread.¹² Accordingly, seizures during the past decade have turned up a broad spectrum of different firearms, from rifles to pistols to various versions of the AK-47 and the AK-74-pattern assault rifle.¹³

Despite many illegal legacy weapons circulating in Croatia today, at least three developments have reduced their overall number. For one, collection measures — better known as “amnesty programmes” — helped to regularise firearms or withdraw them from circulation (see Chapter 5 for details). Secondly, illicit firearm traffickers, tapping into large military stockpiles, redirected the previous inward flow of firearms during the war to destinations outside of Croatia after the war.¹⁴ Thirdly, the economic crisis of 2008–2009 contributed to partly changing the post-conflict pattern of citizens holding onto their firearms. In need of money, people started selling their illegally held weapons, which, in some cases, were (and still are) moved across the national borders to feed illicit firearms markets elsewhere in Europe (see Chapter 4 for details).¹⁵

2.1.2 Firearms from the First World War and the Second World War

Our research found evidence in half of all EU Member States that legacy weapons from especially the Second World War, but sometimes also the First World War, are still held illegally by citizens. The extent to which these kinds of arms are prevalent across countries differs, and so do the methods people have pursued to acquire them or their motivations to keep them non-regularised.

We identified two main methods. First of all, **significant numbers of citizens kept firearms in their possession after the war.** The example of post-Second World War Germany illustrates why firearms often remained in citizens or former soldiers' hands. A 2011 study on firearms in Germany suggests that the collection measures after the Second World War were not able to disarm the German population comprehensively in either of the zones administrated by the Allies. Therefore, many people kept and hid

¹ DM1,000 on 1 January 1990 equalled €511 on 1 January 1999.

their firearms.¹⁶ We found it impossible to accurately estimate the total number of firearms that remained in or changed into civilian hands at the time. The author of the study mentioned above talks about “millions” but without providing extensive evidence.

Nevertheless, it is likely that the chaos of the last months of the war, the heavy fighting on German territory, and non-systematic collection measures allowed for a high number of firearms to remain in citizens’ hands.¹⁷ A portion of these firearms was legalised as part of a collection measure (amnesty programme) tied to legislative changes between 1973 and 1976 (see Chapter 5). Nevertheless, these guns continue to turn up in the context of routine controls to this day. This involves various types of firearm used during the war, including military-grade assault rifles.¹⁸

A second method is the so-called “**black digging**”. The term refers to various activities embarked on to “find” legacy weapons lost during a conflict or left behind during the fighting to help the erstwhile combatants be more mobile or not to be identified as soldiers.¹⁹ To hide them from plain sight, these firearms were often disposed of by digging them into the soil or throwing them into water. The serviceability of these “found” firearms varies widely. Some are ready for use, and some can be refurbished by experts. Others may never be able to live-fire again.

In the following paragraphs, we analyse the different contexts of black digging in Europe, the type and quantities of dug-up firearms and the actors involved.

The case of Latvia illustrates the general context of black digging well. There, the locations of old battlefield sites are well documented, with freely available online maps providing individuals with an idea of where to search for them. With this information at one’s disposal, it is not hard to discover firearms with the aid of a metal detector. There are also online forums where individuals discuss black digging, provide descriptions of their activities and often post pictures of the findings and collections. The police also suspect that such weapons are sometimes renovated and sold online, possibly through the so-called darknet, because such restored military-grade firearms can be fairly valuable.²⁰ Similar practices and methods are reported from Germany²¹ and Poland.²² Case examples further highlight the focus of “black diggers” on old battlefields and forest areas:

In an investigation in 2016 in Latvia, police detained ten people. They conducted searches across the country, resulting in the seizure of 48 carbines, 23 pistols, eight shotguns, 11 machine guns, a rifle, 43 hand grenades, 62 explosive devices, and 8845 items of various types of ammunition. The weapons were historical and had been purchased or illegally excavated from battlefield sites. (Latvia 2016)

In 2019 a man and his two grandchildren found two guns and a bayonet from the World War I battlefields in Belgium using a metal detector. He had also found and kept about ten helmets and guns and drinking bottles and ammunition in the past. He also said 105 shells were lying in his town Sint-Juliaans. (Belgium 2019b)

In 2018 in the Lithuanian Šiauliai County, the police investigated a group of collectors for possession of tens of weapons and 1,000 units of ammunition. The collectors had excavated some of them from forest areas. (Lithuania 2018)

Another case from Austria illustrates the hiding and “getting rid of” large quantities of war materials in water. In the region of the Carinthia lakes in the south of the country, particularly in the Pritscher Bay, large amounts of Second World War weapons, including firearms, have been found. The lake has long been subject to diving for valuable items dumped by Nazi forces during the war.²³ For example, in 2014 and 2015, military divers removed more than eight tons of war material from two lakes. One news report²⁴ described the lakes as “flea markets for collectors of weapons”, including boxes full of functioning weapons such as machine guns, which the following case exemplifies:

In 2010 a Corinthian police officer was found to have privately collected hundreds of firearms and live-firing ammunition from Lake Wörthersee. He had restored some of the guns, whereas others were still functioning after he recovered them. The officer started to dive for the firearms after having been informed by concerned divers of the problem. (Austria 2010)

The cases mentioned above already begin to reveal the obvious regarding the types of firearm dug up by illegal collectors: they span the full range of historical firearms used by armies at the time of the Second (or First) World War, including pistols, rifles and automatic rifles, but also explosive devices. In Latvia, for example, police investigations showed that the firearms found are often of German or Soviet manufacture.²⁵ The following case illustrates police investigations in Latvia, which give an idea of the types of gun found:

In late 2017 police in Latgale seized a large number of weapons, including many historical firearms. The seizure captured: 23 sub-machine guns and machine guns, 18 rifles, 13 pistols, 3,719 rounds of ammunition, 188 explosive devices and their components, and 94 essential firearms components. (Latvia 2017a)

The cases from Lake Corinthian and Latvia mentioned above show that professional illegal collectors can find dozens of firearms through black digging or similar methods. Besides, in countries where black digging is not known to be a big problem (such as Belgium), cases have been identified where amateur collectors turned up more than ten firearms through their collecting activities. It seems clear that the number of firearms that single individuals can find using metal detectors will depend on where they are searching. In other words, collectors likely find more firearms on a battlefield that was the site of frontline fighting than in a random forest. In some cases, very large quantities of firearms are found:

Hundreds of World War II weapons (explosives, firearms and other weapons) and ammunition were found in Kaposvár in Hungary by two electricians. It is believed

that two unemployed men were searching for ammunition and explosives at former military stations. (Hungary 2018)

The cases above show that searching for Second World War firearms seems to be a pursuit carried out by people as a free-time activity, by those who are interested in the historical value of the firearms and, on occasion, by those who intend to sell them to any bidder, possibly even criminals. Sometimes black diggers also specialise in refurbishing firearms that have been under the soil for many decades and have consequently suffered degradation:

In July 2018, German Police apprehended a man who had successfully searched for old firearms from World War II using a metal detector with the intention of refurbishing and reactivating the guns to make them useable again and offer them for sale. The Police found over 100 weapons from World War II in various conditions and charged the man with violating both the War Weapons Control Act and the Weapons Act. (Germany 2018a)

2.1.3 Localised legacies of armed conflicts in Europe

The above phenomena of firearms originating from the armed conflict in the Western Balkans and the First and Second World Wars affect most of the EU's territory, either through domestic sources or through the persistent illicit trafficking of such arms across most EU Member States. There is also a range of conflict legacies that have resulted in more localised non-regularisation. We describe these contexts briefly.

A clear example of such non-regularisation is the legacy weapons from 'The Troubles', the armed conflict in Northern Ireland which raged for decades in the second half of the 20th century. During this conflict, non-state actors used various firearms. Whereas weapons used by the Irish Republican Army (IRA) and other Republican groups were mainly illegally smuggled into the country, paramilitaries loyal to the United Kingdom often used stolen or self-assembled firearms. It is assumed that the various paramilitary groups have not decommissioned all their arms since the 1998 Good Friday Peace Agreement. As a result, the Troubles' weapons are still illicitly held in Northern Ireland, particularly by successor outfits of earlier paramilitary groups.²⁶ One consequence of this situation is that military-grade firearms are more frequently seized in Northern Ireland than in the rest of the United Kingdom.²⁷ In 2018, Holtom et al., for example, noted:

*"It is known that 12 Kalashnikov-type assault rifles recently used in firearms offences were part of the shipments that arrived from Libya in the 1970s. The Police Service of Northern Ireland (PSNI) knows of at least one firearm that has been used 20 times since the 1970s."*²⁸

Similarly, firearms from The Troubles are known to feed the criminal market in the neighbouring Republic of Ireland.²⁹ Nevertheless, not all military-grade firearms seized in Northern Ireland stem from the Troubles; on the contrary, there is evidence that

some of the weapons may have been smuggled into Northern Ireland more recently, following the same routes as for drugs smuggling.³⁰

Non-regularised legacy weapons are also believed to constitute a significant share of illicit firearms in other EU Member States. Cyprus, for example, has a high rate of illegal possession of firearms.³¹ This is believed to be connected to legacies of the various armed conflicts and political transitions the country has experienced in the past 70 years: the Second World War, the colonial years (1955–1959), the intercommunal violence in 1963, the crisis of 1967 and the Turkish invasion in 1974.³² It is important to stress that limited detailed data are currently available for Cyprus, which implies that such information needs to be interpreted carefully. Legacy firearms also make up a considerable part of guns seized in Spain. The Guardia Civil estimates that approximately 15% of seized firearms are antique or historic weapons, including an unknown quantity of firearms from the Spanish Civil War (1936–1939).³³ In earlier research on illicit firearms trafficking, we also noted that “potential risks of a future influx of illicit firearms from neighbouring conflict zones, such as Ukraine, and several countries in the Middle East and Northern Africa (MENA) into the European Union exist to various extent, and should not be underestimated”.³⁴ In 2017, Europol warned that various conflict zones in the EU neighbourhood could emerge as significant sources of illicit firearms trafficking into the EU.³⁵ The situation in Ukraine is critical in this regard. According to the Small Arms Survey, almost 3.6 million unregistered firearms are held in the country.³⁶ The ongoing armed conflict fuelled the proliferation of small arms and light weapons (SALW) in the country, with many firearms and other weapons being diverted in various ways from state stockpiles. While most of the illicit firearms trafficking currently occurs within the country and illegal arms trafficking from Ukraine into the EU is currently rather limited, the significant quantity of non-regularised legacy weapons from this armed conflict could pose considerable security risks for the EU soon.³⁷

2.1.4 Political transitions

Like the end of armed conflicts, significant political transitions can also feed the non-regularisation of firearms, including military-grade firearms. Non-regularisation in the context of the end of the Warsaw Pact and the transitions to liberal democracy in these countries, for example, has led to illicit possession in various EU Member States. For instance, in Estonia³⁸, Latvia³⁹ and Poland.⁴⁰ One way non-regularisation took place in Eastern Europe was through illegal transactions between Russian soldiers and citizens during Soviet withdrawal, which was marked partly by a lack of military discipline.⁴¹ However, there is also evidence that such illegal transactions at the end of the Cold War might have been more systematic. Representatives of the Estonian Internal Security Service, for example, explained that Soviet armed forces sold several non-regularised firearms in Estonia to local criminals and Russian organised crime groups. While initially believed to be the result of corrupt Soviet officers, Estonian Security Services now believes it was a systematic practice to sell firearms to Russian-friendly actors.⁴² In the context of occupation and political transitions, non-regularisation can also be driven by cultural reasons. For example, for the Czech Republic, it has been pointed out that a tradition of hiding firearms has persisted for historical reasons under both

German and Soviet occupation. These guns are still frequently possessed by individuals today for sentimental reasons, and sometimes they are discovered in attics and basements when buildings undergo reconstruction.⁴³

Portugal's transition to democracy in the 1970s and its simultaneous retreat from its overseas colonies presented challenges as many soldiers and ex-soldiers reportedly obtained and kept firearms already in their possession in the aftermath of the revolution and after the retreat from foreign territories.⁴⁴

Yet, not all significant political transitions, which carried the risk of large-scale non-regularisation, were characterised by firearms' actual diversion. Firearms experts, for example, noted that in Spain, there had been no substantial diversion or loss of firearms during the transition from dictatorship to democracy in the mid-1970s. From what is known, the only guns involved in non-regularisation during this time belonged to soldiers who were allowed to keep their professional firearms in their personal possession. This possession was not consistently controlled at the time, which led to some soldiers possibly keeping them in their possession even after subsequent security reforms in the 1970s and later. However, such arms hardly ever turn up in seizures or are found to be in illicit possession today, suggesting that the problem is relatively small.⁴⁵

2.2 Changes in regulations

Changes in firearms regulations can result in non-regularisation if firearm-holders do not adhere to new rules, and weapons become illicit after adopting new law. This form of non-regularisation plays a role in various EU Member States, and the following section provides an overview of how this phenomenon has played out in these states. Due to a lack of data and because authorities often lack awareness of the problem, we can only present a snapshot of the phenomenon in this section. Besides, our research focused mainly on eight Member States. Therefore, our research might have returned more evidence for those countries, but not for others (see chapter 1 on research design).

2.2.1 Reclassification of firearm categories of live-firing firearms

The legal reclassification of firearms presents the type of significant change in the law that can lead to firearms diversion through non-regularisation. This change can lead to firearms becoming prohibited or being reclassified – for example, from “freely available” to “subject to registration” or from “subject to registration” to “subject to authorisation”. For instance, in Belgium, changes in the legal framework for firearm possession in 2006 and 2013 led to a significant increase in non-regularised firearms in the country.⁴⁶ A similar impact of reclassifying firearm categories on non-regularisation has also been observed for France⁴⁷ and Germany.⁴⁸ We will focus on these three countries in the following paragraphs. In many other EU Member States, we have found little robust data regarding the impact of reshuffles of firearms classifications on non-regularisation. This absence of findings may be related to the mentioned reasons that authorities' lack awareness, and our research focus on certain Member States.

Belgium underwent a major change to its Weapons Act in 2006 when it implemented the 1991 EU Firearms Directive. The change in the law introduced a large number of new restrictions on firearm possession and acquisition. Owing to these amendments, a large number of firearms held by private owners changed categories. Most firearms owners were required to apply for new authorisations or renew their authorisations for their weapons. Between 2006 and 2008, the Belgium state organised an amnesty programme for gun-owners who did not want to apply for these authorisations. In total, at least 198,000 firearms were handed in as part of this amnesty period.⁴⁹ Whereas most legal gun-owners complied with the new rules or handed in their firearms during the amnesty period, some decided to keep their guns without applying for the necessary authorisations. It is believed tens of thousands of firearms were not regularised following the law change in 2006 and remain undeclared.⁵⁰ In addition to passive diversion by not applying for the necessary authorisations, some persons even undertook active steps to keep their weapons illegally – for example, by staging fake thefts or losses. A previous study of the illicit gun market in Belgium noted that “the average annual number of firearms registered as ‘lost’ in the Central Weapons Registry (CWR) of the Belgian Federal Police, increased more than tenfold in the years after 2006 [...]. This suggests that a significant share of individuals made false declarations to keep their weapons without applying for the necessary authorization.”⁵¹

Following a public mass shooting in December 2011 at the Christmas market in Liège,⁵² Belgium adopted new amendments to its Weapons Act in 2013.⁵³ A list of historical and folkloristic weapons that were previously “freely available” now became subject to authorisation. The problem was that, counter to authorities' assumptions, for some of the listed weapons, large amounts of ammunition were still available. This fuelled the illicit trafficking in these firearms from Belgium to other European countries.⁵⁴ In 2011, the Brussels Federal Judiciary Police, for example, dismantled a network of criminals who were trafficking these firearms.⁵⁵ With the legislative change, the government also announced a regularisation and collection campaign running from 2013 to May 2014.⁵⁶ Approximately 6,000 antique live-firing firearms were regularised during this campaign – a low figure, bearing in mind the tens of thousands of such weapons that were legally sold on the Belgian market between 2007 and 2013. This low number of regularised firearms is likely connected to the observation that registration of these firearms was not required before 2013. The chances of getting caught with these firearms after 2013 were therefore likely considered rather low. As only a limited number of such weapons has been encountered during seizures in Belgium in recent years, the Belgian police estimate that many of them have left the country, which corresponds to the fact that they were quite popular among foreign criminals.⁵⁷ On the other hand, it can be assumed that a fair share of these historical and folkloristic firearms are still in the illicit possession of civilians with no criminal intentions.

Like Belgium, **France** has had issues with fake and loss declaration after a 2011 amendment to its firearm regulation. The change made it obligatory to register every hunting shotgun (Category D) sold or newly acquired after 2011. Individuals who owned Category D firearms before the amendment and did not wish to sell them are not affected by the changes.⁵⁸ While the exact extent remains opaque, exceptionally high

numbers of theft reports for Category D firearms in the years following the law change suggest that at least some individuals may have falsely reported thefts of these types of firearms to sell them illegally.⁵⁹ According to 2017 estimates by a government agency, two to three million of these shotguns are still held without a declaration in France by people who have acquired them before the 2011 law change.¹⁶⁰ This represents a large pool of firearms potentially subject to future non-regulation.

Germany implemented significant legislative changes to its firearms laws in 1972 and 1976. While these changes occurred almost 50 years ago, it is worth discussing this historical example because some experts believe that these changes are connected to a significant share of the country's current illicit firearms possession.⁶¹ The 1972 amendment marked a departure from a practice whereby citizens could acquire most firearms without a licence or proof of good cause.¹¹ This liberal practice had been based on the re-introduction of pre-Second World War regulations in the mid-1950s. In 1972, and after readjustment in 1976, most live-firing firearms became subject to licensing or registration or became prohibited. A “registration amnesty” was put in place, making it possible to register firearms — purchased before the regulatory change — which would become prohibited after the law changed. Yet, not all firearms owners registered their guns. Different assessments exist on how large these numbers of non-regularisation were and to what extent firearms non-regularised at that time are still in circulation today.⁶² While the German criminal police do not encounter these firearms frequently in criminal investigations,⁶³ a leading expert on legal firearms control in 2019 stated in the Committee for Interior and Homeland Affairs of the Bundestag that these firearms make up the majority of illicitly held firearms in Germany. He went on to say that it is mostly otherwise law-abiding citizens that hold these firearms, not criminals, which would explain why they are rarely seized in criminal investigations. In addition, he explained that between the mid-1950s and 1973, citizens bought large quantities of firearms (legally) through mail-ordering businesses such as Neckermann and Otto. According to him, at the beginning of the 1970s, many citizens were not aware or did not sufficiently understand the legal provisions that allowed them to register all firearms, including military-grade firearms, legally. Therefore, many individuals decided to keep these weapons in their possession as non-regularised firearms illegally.⁶⁴

2.2.2 Changes in the law regarding non-live-firing firearms

Non-live-firing guns can also be affected by reclassification or by changing technical standards. At first sight, those legislative changes do not seem to fall neatly into the scope of this report, which deals with live-firing firearms. But considering that the reactivation and conversion of non-live-firing firearms into fully functioning guns are a significant problem across the EU these legislative changes nevertheless demand our attention. Such guns are purchased and used by criminal groups throughout the Union. The topic of conversion and reactivation has also been covered in depth elsewhere.⁶⁵

¹ Estimate by the Section Centrale des Armes, Explosifs, et Matières Sensibles (SCA- Central Section for Weapons, Explosives and Sensitive Materials)

¹¹ With the exception of pistols and revolvers, for which a licence was already needed before.

Lithuania: non-regularisation of alarm pistols

In 2011, Lithuania changed its legislation regarding alarm pistols, requiring the registration of all alarm weapons within a registration period that ended in 2014. Since the end of the transition period each person who owns alarm weapons without police authorization can be charged for a crime. While more than 50,000 alarm weapons have been registered, this followed a 20-year period where such weapons were freely available. It is unknown how many were in circulation at the point of the registration period and how many remain non-regularised. Lithuanian law-enforcement officials suggest that the numbers of non-regularised alarm pistols might be substantial.⁶⁶ Non-regularisation per se might be a more minor problem. The more significant issue is that the changes in the law had been introduced to prevent the well-known practice of converting pistols into live-firing firearms. In other words, a significant portion of civilians most likely decided to keep their alarm pistols illicitly after the registration period, which suggests that the threat of conversion of non-regularised alarm pistols remains acute.⁶⁷

Spain

In Spain, law changes regarding deactivation standards have triggered a scheme of large-scale diversion. In 2011, procedures and specifications to deactivate firearms were strengthened in the country's firearms regulation. Once the changes took effect, it was no longer legal to sell firearms that were deactivated before 2011. Today the sellers of such guns are responsible for the costs of re-deactivating firearms according to new legal standards before a sale. In other words, it is — to this day — legal to possess firearms deactivated by old standards but to sell them, they need to correspond to the new standards.⁶⁸ ¹ "Updating" the deactivation standard through the Proof House in Eibar could cost up to €250 per weapon. The additional costs this law change implies have severely impeded the business model of large-scale collectors, who specialise in selling deactivated firearms.⁶⁹

This change in legislation motivated some businesses and firearms collectors to sell deactivated firearms illicitly in addition to essential components that are needed to reactivate them. The original stock of those firearms was bought in wholesale quantities during the decline of Spanish firearm-producing companies at the end of the 20th century.⁷⁰ A large scale police investigation revealed links between the businesses mentioned above and illicit workshops that specialised in reactivating firearms. There are also allegations that the companies themselves reactivated some guns. Also, an illegally acquired stamp was used in the scheme to falsify deactivation certificates. It likely helped the illicit sellers to claim that they had deactivated the firearms according to new standards.⁷¹

¹ According to the old standards, only the barrel needed to be made unusable. The new standards stipulate that the barrel, the firing mechanism and the breach need to be deactivated according to certain standards (Verbal communication with firearms experts of the Spanish National Police, Madrid (Spain), October 31 2019, n.d.).

The 10,000 firearms seized in police Operation Portu, which investigated the scheme mentioned above, led to Spain's largest firearms seizure in recent times.⁷² The courts still have to establish how many of those firearms were actually possessed and sold illegally. The investigation also showed that firearms stemming from this scheme have ended up in Spain's criminal underworld (mostly with petty and common criminals, less so than with large-scale organised crime groups).⁷³ No similar cases of large scale diversion after the 2011 law changes are known.

Operation Portu has uncovered the most significant known “deactivation related” scheme of non-regularisation so far. However, a recent policy research report demonstrates that similar issues also exist in the other EU Member States. In Czechia, for example, the price of firearms deactivation has almost doubled since the adoption of new standards.⁷⁴ Simultaneously, the value of newly deactivated firearms has decreased in multiple EU Member States in recent years. The authors of the report argue that higher deactivation costs and lower values of newly deactivated firearms “increase[s] the risk that unwanted live firearms are kept at home instead of being deactivated”.⁷⁵ Besides, a black market seems to have opened up for firearms that are deactivated according to old standards.⁷⁶

An example that does not involve diversion but depicts the workload involved in guaranteeing the safe implementation of changes to the law can currently be observed for acoustic firearms. Since EU Directive 2017/853 sets out both a definition and a category for acoustic weapons, it is necessary that such weapons are checked by the Spanish Proof House to verify whether they can be considered acoustic or live-firing. This process can be quite time-consuming and cumbersome, particularly when actors who possess many of those arms are concerned. This is the case with a company that rents out acoustic firearms to film and theatre productions and possesses up to 5.000 such guns, which are currently all being verified by authorities. National experts are hopeful that future harmonisation will introduce more detailed technical specifications for such weapons across the EU.⁷⁷

Another recent law change concerns the tightening of the legislation on blank-firing guns in Spain. The change was accompanied by the possibility of handing in these weapons during a three-month period.⁷⁸ Spanish law enforcement experts confirm that an unknown number of private persons claimed to have sold or lost their blank-firing guns during the regularisation period. Potentially, to not go through the regularisation process. However, since the sale per se was not illegal at the time, and tracing back those weapons in many cases was impossible due to the lack of information, the buyers' profile is not known. Authorised establishments, however, had to register the purchase of blank-firing guns weapons in their books even before the legislation changes. Hence, authorities could trace all those guns sold to or from legal dealers to individuals before the legislation change.⁷⁹

Regarding these changes, one lesson learned by Spanish authorities is that it is desirable to register as many firearms as early as possible, even if at the point of registration, those arms do not need any authorisation or licence. When a legal change occurs that

stipulates new rules affecting specific categories of firearms (such as gas pistols or deactivated firearms), such an approach allows law-enforcement authorities to follow up with individual firearms owners and dealers to ensure compliance with new regulations.⁸⁰

Germany: the threat of non-regularisation of percussion firearms

In Germany, so called “percussion firearms” (*Salut Waffen*) and “decoration firearms” face(d) similar challenges to Lithuania’s alarm pistols. In a 2020 hearing of the federal parliament, a law enforcement expert specialised in legal gun control warned of a lack of foresight in the new legislation that threatens to make a range of guns illegal without sufficient contingency plans.⁸¹ On the positive side, there are solutions to ensure that decorative firearms will not become unlawful once they become subject to registration.¹ Even with the new registration procedure’s implementation, decorative firearms can remain unregistered as long as owners do not intend to sell those weapons. Registration has to take place only once a transaction to another owner occurs. However, such a mechanism is not envisaged for percussion firearms.⁸² With the 2020 legislative changes, percussion firearms will need a permit, and good cause must be proven. Therefore many of those weapons could become illegal as firearms dealers or private owners who cannot show good cause may be unwilling to lose their firearms. It is estimated that at least 200,000 to 400,000 of these weapons are currently in circulation in Germany. The legislative change could therefore generate a large future source of non-regularisation.⁸³

The mentioned percussion firearms often used to be live-firing firearms that have been rebuilt. If percussion firearms become illicit in the hands of many citizens, and those citizens try to sell them (illicitly) to get rid of them or to receive monetary compensation, some of those weapons could end up in the hands of people interested in reconverting them to live-fire, for example for criminal use. The technical possibility, financial feasibility, and effort required for such reconversion will depend on the weapon itself. The same potential risk also applies to legal dealers who currently specialise in these arms. Their sales can be expected to drop due to the stricter procedures for registering such firearms and the need to show good cause for owning them. Similar motives have most likely contributed to large-scale illicit sales of deactivated firearms, along with the essential components to reactivate them, by legal dealers in Spain (see above).

2.2.3 Medical certificates

Another common regulatory change concerns the tightening of rules for the medical certificates needed to acquire a firearms licence. As Project’s DIVERT report on firearms fraud in the EU demonstrates, some gun-owners will go to great lengths to ensure that a missing certificate will not stop them from owning a gun, using fraudulent means to

¹ Decorative firearms (*Deko Waffen*) is a term widely used in the German media and by experts. The new, updated weapons regulations essentially define them as any object which closely resembles a live-firing firearm (imitation) but are non-live-firing (e.g. deactivated firearms). For further explanation see: <<https://www.bussgeldkatalog.net/waffengesetz/anscheinswaffen/>>.

acquire the necessary documentation.⁸⁴ In Italy, health certificates were introduced as an obligation for firearm possession in 2015.⁸⁵ Citizens surrendered hundreds of firearms in response to this legislative change.⁸⁶ However, not every firearms owner has obeyed the new regulations, as the following case shows:

In 2018 the Italian Police arrested five people. They confiscated four shotguns and two handguns in light of the failure to submit the police with a health certificate proving their psychological and physical fitness to handle a firearm. (Italy 2018)

Further research would be needed to present a more comprehensive account of fraud and non-regularisation pertaining to medical certification and psychological tests.

2.3 Inheritance

Inheritance leading to the non-regularisation of firearms has two different dimensions, which are often not distinguished in media reports or data collected for surrender programmes. This makes it difficult to distinguish between them in this report. Nevertheless, it is worth pointing out the difference, as each type may prompt a different policy response.

In the **first dimension**, a legal firearm becomes illegally held when the legal gun-owner dies, and the heir fails to regularize it. This regularisation could occur through registering the weapon, applying for authorisation, or having the firearm deactivated. A case from Belgium illustrates this phenomenon:

During a house search in May 2017, the police found a hunting weapon with ammunition in the basement of a 41-year-old man's residence. He argued that he had inherited the gun from his grandfather, a hunter, after his death in 2010. He did not use the weapon but did not apply for a possession licence either. The prosecutor demanded a fine of 100 euros. (Belgium 2017b)

The **second dimension** is inheriting firearms that were already non-regularised before their inheritance (e.g. First or Second World War weapons passed on over generations). In this case, inheritance itself is not an act of non-regularisation since the firearms were already illicitly held. However, this practice sustains the status of a weapon as non-regularised over generations. A case from Portugal illustrates this type of non-regularisation:

Portugal's transition to democracy in the 1970s, and its simultaneous retreat from its overseas colonies, presented challenges as many soldiers and ex-soldiers reportedly obtained and kept firearms already in their possession in the aftermath of the revolution and the retreat from foreign territories. In one instance, a widow of a former military officer was left with various military-grade weapons and a thousand rounds of ammunition, which her deceased husband had acquired as part of the Portuguese military. (Portugal 2018)

Similarly, a case from Greece shows how Second World War weapons can be passed on between generations, although in this case, the heir reported the firearms to security forces:

In Volos (Greece), a man had hidden his weapons from the Second World War in his house and told his son before passing. The son asked the military to investigate the guns. The authorities found at least five rifles, including a Mauser, at least five handguns and various grenades and ammunition. (Greece 2017b)

The non-regularisation of inherited firearms can be either intentional or unintentional. Unintentional cases of non-regularisation may be caused by not immediately finding a gun that belonged to a deceased family member. In several EU Member States (e.g. Spain, Germany, Lithuania), firearms discovered months after a person's death can be reported as “found” without the threat of further prosecution. Unintentional non-regularisation can also be the result of the heirs’ ignorance of the rules relating to firearms possession:

In July 2018, the gendarmerie of Tarbes (Hautes-Pyrénées) discovered an arsenal in a collector's house. In total they found 57 firearms (category C hunting weapons) and hundreds of rounds of ammunition. All of them were functioning. Questioned by the police, the firearms owner said that he was not aware of the restrictions on firearms possession. He said that he had inherited the weapons and possessed them for the collection purpose only. (France 2018b)

Intentional non-regularisation of inherited firearms is often prompted by an interest in firearms collection or personal attachment to a particular firearm:

A 62-year-old man was accused of illicit weapons possession and sales. He inherited several weapons from his father, who was in the resistance during the Second World War. The heir, who described himself as a collector, did not have a licence for any of the dozens of small arms, revolvers, bayonets and the accompanying ammunition. He attempted to hide them to avoid investigation or prosecution. (France 2017a)

It is often difficult for law-enforcement agencies to determine whether the non-regularisation was intentional or unintentional.

In some countries, such as Czechia⁸⁷ and France,⁸⁸ owning inherited illicit firearms seems somewhat normatively accepted. According to policy research on the subject in France, this can be attributed to a “culture” of keeping non-regularised firearms in personal possession that emerged after the Second World War.⁸⁹

The intentionality to non-regularise may also arise from a fear of prosecution. This fear might be caused by not knowing the legal procedures for found firearms or because of an unclear legal situation, as the following case demonstrates:

After the death of his father, a young man found two firearms. His mother recognised one of the weapons as one which was declared stolen by the father in the past. According to the mother, it was thought to be stolen together with other belongings during a burglary. When the weapons were found, the mother did not bring them to the police, fearing she might be accused of the theft. The police seized the two firearms following an investigation into domestic violence in the same family. (Belgium 2006–2008)

The number of firearms diverted seems to vary widely between inheritance cases. Some cases involve extensive collections of firearms. One case from France, for example, concerned non-regularised inherited firearms worth up to dozens of thousands of euros.⁹⁰ Similarly, another case mentioned above from France concerned 57 firearms.⁹¹ Yet, in our media search, we also found multiple cases involving 5–10 firearms or three or fewer guns.

Detailed and comprehensive information detailing the models and types of guns that are diverted through inheritance is rarely available. However, most of the firearms mentioned in analysed inheritance cases seem to be either firearms from previous wars or older hunting rifles. A report of an amnesty programme related to changes in the gun regulation in Ireland in 2006 exemplifies this: “[T]he amnesty led to hundreds of mostly old weapons being handed in, many of them shotguns inherited from parents or grandparents and left lying in attics for years.”⁹² Moreover, data from surrender programmes in some countries – such as Slovakia⁹³ and Germany – suggest that heirs also hold military-grade automatic weapons, some of which might be related to the World Wars. However, these weapons are in the minority in such programmes. An example from the most recent surrender programme in Germany for the Federal State of Bavaria, for example, shows that a total of 13,532 firearms were handed in, out of which only 47 were military-grade.⁹⁴

2.4 Interim conclusion

This chapter has shown that non-regularisation is caused by different diversion methods which possess distinct characteristics.

First, we discussed war legacies and significant political transitions as phenomena that produced **“legacy” firearms**. The reviewed cases showed that legacy firearms include many different guns linked to their military background (e.g. hand-held guns, rifles, semi-automatic guns, automatic firearms). Moreover, we found that these types of legacy can lead to the possession of large numbers of firearms by individuals, or collector groups, particularly in the case of black digging. On the other hand, it is reasonable to assume that cases of 100+ legacy firearms owned by single individuals or groups are the exception and that our attention was drawn to them because media reports feature them prominently. Actors who typically hold legacy firearms illicitly include collectors, former soldiers or their families, and civilians arming themselves for self-protection during armed conflict. In some specific scenarios legacy firearms can

also end up in the hands of criminals, as examples in Estonia, Croatia and Northern Ireland have shown. The chapter on misuse elaborates on this problem (chapter 4).

The second sub-section demonstrated that **legislative changes** can result in large numbers of non-regularised firearms. This concerns different types of law changes: reclassification of live-firing firearms; reclassification of non-live-firing firearms (or stricter rules concerning such weapons); or other changes in the legislation, such as the introduction of medical certificates. Often, it is not clear how many firearm owners fail to regularise their firearms intentionally or unintentionally. The non-regularisation process for this type of change can happen in multiple ways, which are important to distinguish because they elicit different policy responses. Non-regularisation after legislative changes can occur unintentionally. For example, when gun-owners are not aware or fully cognisant of new rules. Yet, it can also happen intentionally: for instance, by deliberately withholding firearms from regularisation, even though one is fully aware of the new regulations, by staging fake thefts or when firearms dealers try to get rid of stockpiles of firearms which have decreased significantly in value as a result of changes in the law. The country examples that we presented showed that the owners of firearms non-regularized by law changes generally do not have overt criminal intentions but do not wish to go through the licensing procedure.⁹⁵ However, such firearms can eventually still end up in illicit gun markets and, in this way, fuel criminal activities (see also chapter 4).

Thirdly, we identified two types of non-regularisation driven by **inheritance**: on the one hand, that involving the actual non-regularisation of formerly legal firearms and, on the other hand, the inheritance of firearms that were previously illicit, causing the illegal status of a weapon to be prolonged. It must be assumed that the second type is not often discovered by the authorities, as they have no records of such firearms. Case evidence shows that diversion through inheritance can involve large quantities of weapons or only one individual weapon. It was not possible to determine a "typical" amount of firearms diverted through undisclosed inheritances. The guns concerned are mostly older, and the cases suggest that they often stem from previous wars or are old hunting rifles or shotguns. Regarding the context, we identified three possible drivers of inheritance-induced non-regularisation:

- An interest in keeping the firearms due to emotional attachment or a personal interest in collecting firearms. This interest might be reinforced by a degree of normative acceptance of keeping firearms illegally in some countries.
- A fear of handing in firearms due to lack of knowledge about the legal procedures, or other reasons, and therefore an anticipation of being punished for reporting inherited firearms to the police.
- In some instances, heirs might not be aware that historical firearms are subject to legal restrictions and need to be registered, deactivated or handed to the authorities.

3

Scope and types of non-regularised firearms in the European Union

3.1 Challenges of collecting data on non-regularisation

Information on the scope of non-regularisation primarily rests on imperfect estimates and not on reliable statistics and, therefore, must be read with caution. Several reasons can be cited for the lack of good data. Most importantly, non-regularisation is a hidden phenomenon that is not easily detected (as opposed to theft, for example). To assess the problem, researchers and law enforcement officers alike have to rely on case-based information, specialised firearms experts' judgments, and the analysis of firearms seizure data. Yet, seized guns are not always sufficiently investigated and traced to their moment of diversion by law enforcement authorities. Often, crimes that are linked to a firearm seizure — such as drug trafficking — are given priority over “investigating the gun” and its history of diversion and trafficking.⁹⁶ This can lead to a lack of data on diversion patterns of firearms that are seized in crimes. A lack of tracing can also occur in other contexts. In particular, during collection measures, guns such as hunting shotguns or older gun models are not necessarily prioritised for forensic examination because they are less of a problem in the criminal milieu in many Member States (see section 5.1.4). Yet, as we have shown in chapter two, it is these guns that are often diverted through non-regularisation. Lastly, even if national officers want to investigate the trafficking route and diversion of a firearm, there is a risk that prosecutors may deem it unnecessary⁹⁷ or that an international tracing request which concerns a seized gun is not answered.⁹⁸ In short, general problems with the systematic tracking of seized firearms are compounded by low prioritization in the case of non-regularisation. This situation causes a lack of systematic statistical data that can be compared. For our study, this entailed that we had to rely on a mix of available quantitative data, which we complemented with expert opinions on the topic.

Statistics on non-regulation seem to exist for only a few countries. This concerns, for example, seizure data on black-dug firearms in Latvia, Poland and (partial) seizure data

on historical weapons in Spain. For most countries, however, we had to draw on the discussions among experts in meetings organized in the frame of project DIVERT, expert interviews, data of surrender programmes and public statements made by law-enforcement agency representatives, legal gun-owners and authorised arms dealers. For some EU Member States, no information or insufficient information was found to make a statement on the scope of non-regularised firearms. The volume of data that we collected for each country was also influenced by the fact that we conducted in-depth research in eight Member States. In these countries we could rely on interviews with experts to complement scarce information on the scope of non-regularisation. In the other Member States, we often did not have this advantage.

To sum up, we had to deal with a situation where little data was available and where the type of data we found differed between countries. Therefore, we also refrain from concluding a presumed “absence” or low rates of non-regularisation for Member States in the section below. Therefore, this exercise does not claim to provide a detailed picture of reality; rather, it gives the best account possible on a topic that has so far not received dedicated attention by researchers and law-enforcement officials.

With this in mind, we attempt to examine to what extent non-regularisation has been a driver of diversion in EU Member States.

3.2 Scope of non-regularised firearms in EU Member States

According to our findings, significant levels of non-regulated firearms in several member states in Western, Southern, and Northern Europe result from various strong drivers of non-regulation:

- **Austria** has a combination of significant non-regularisation sources. A high prevalence of Second World War weapons is believed to be present in the country: either dumped in lakes in specific regions (see Section 2.1.2) or held by civilians.⁹⁹ Moreover, media reports cite a legal firearms dealer that suggests that legacy weapons from the Balkan and post-Soviet states are present in large quantities in the country.¹⁰⁰ How reliable such estimates are remains unclear. Previous research has mainly highlighted Austria’s strategic location along the firearms smuggling route from the Western Balkan to Western Europe without a more profound analysis of its status as a final destination.¹⁰¹
- In Austria’s neighbour country **Germany**, a combination of historical sources of non-regularisation has resulted in many illicitly possessed firearms.¹⁰² First, the largest part of illegal possession in Germany is most likely due to a significant revision of the legal firearms framework in 1972-1976. Law enforcement experts assume that many citizens did not regularize their weapons during the subsequent legalization campaign (see section 2.2.1). This legislative change was preceded by years of very few restrictions on buying firearms. Second, many German guns were either kept, hidden or left behind during the Second World

War. As reported in previous sections, this most likely entails that a sizeable quantity of firearms is still in possession of civilians who have inherited firearms from their relatives without trying to regularise them. The exact scope of this phenomenon is unknown. A sizeable online survey on German citizens' relationship with money provides an estimate of how significant the overall share of people is who expect to inherit a weapon. The survey found that 2% of all respondents expected to inherit a weapon (not necessarily a firearm) and that two out of three of those respondents intended to keep and not sell the weapon.¹⁰³ The survey does not distinguish between the legal (or illegal) status of the weapons respondents expect to inherit. The high numbers of surrendered weapons during collection campaigns seem to confirm the assumption of high levels of unlawful firearms possession. Germany's 2009 amnesty campaign, for example, collected around 200.000 guns and is on record as one of the largest in our database on collection campaigns in Europe since 1991¹⁰⁴ II

- **Belgium** is another EU Member State where non-regularisation is likely to be one of the (if not the) most significant source of illicit possession. In the country, non-regularisation is strongly connected to two crucial legislative changes (in 2006 and 2012). Besides, many firearms of deceased persons were lost or diverted over the years. A study by the Belgian police found that, in 2006, 70,000 firearms were still registered in the CWR (Central Weapons Register) under the name of deceased persons, who in some cases died 20 years previously.¹⁰⁵ Anecdotal evidence of other non-regularisation sources – such as black digging – exists, but we found no information on their estimated size.
- **France** also had problems with both non-regularisation after legislative changes and a legacy of Second World War weapons. Coupled with a traditionally grown societal acceptance of owning non-regularised weapons after the Second World War, the presence of many non-regularised firearms seems likely.¹⁰⁶
- Evidence for **Denmark** also shows a high rate of Second World War weapons, and expert estimates indicate that those firearms make up a substantial share of the illegal firearms possessed in the country.¹⁰⁷
- In neighbouring **Sweden**, the majority of seized firearms do not have a legal history in the country.¹⁰⁸ This suggests that local or national non-regularisation is not an essential source of illicit possession in the country. Other methods, such as smuggling, are far more important in the country's illegal firearms scene. Among the weapons seized in the country's criminal milieu, Balkan legacy weapons stand out (see chapter 4).¹⁰⁹

^I The overall survey was based on more than 200.000 thousand respondents <https://yougov.de/news/2016/09/12/wir-deutschen-und-das-geld-ein-volk-von-sparfuchse/>

^{II} One estimates points out that only one-third of the firearms handed in in 2009 were held illegally before their surrender, which would entail a smaller, yet still very large, number of collected illicit firearms (see endnote this sentence).

- Finally, **Portugal** has an assumed one million non-registered or incorrectly registered firearms.¹¹⁰ These “lost” guns are connected to the transition to democracy in 1970, the end of Portugal’s colonial history, recent legislative changes and decreasing interest in hunting and shooting for sport.¹¹¹

In addition to these countries that often show several significant sources of non-regularization, there are also the countries already mentioned in chapter two, whose substantial problems with non-regularization can be explained primarily by a history of national conflict:

- In **Croatia**, for example, non-regulation is responsible for by far the largest share of illegal firearms possession as the country still holds many weapons from the Homeland War of the 1990s.¹¹² Some of the guns most typically seized are, for example, Zastava M70 rifles and CZ 99 semi-automatic pistols, which were in frequent use during the independentist war.¹¹³
- For its neighbour, **Slovenia**, a (short) conflict legacy and the state’s acting as a centre for smuggling during the Yugoslav independentist wars suggest that non-regularised firearms could also be present in significant numbers.¹¹⁴ Yet, future research is needed to confirm this assumption.
- In **Northern Ireland** conflict legacy weapons are known to remain in illegal possession. A police source rated these firearms, which date back to the time of the *Troubles*, as one of the top five sources of illegal firearms on the Northern Irish black market.¹¹⁵ ¹
- In **Spain**, legacy firearms – in this case, mostly from the Spanish Civil War in the 1930s – are still frequently seized by the police (see Section 2.2.1).
- It is also believed that conflict legacy weapons make up a significant share of illicitly possessed firearms in **Cyprus**. Still, a lack of credible estimates makes it impossible to conclude concerning the problem's actual size.¹¹⁶

Outside the Member States in Western, Southern and Northern Europe and those on whose territories national wars have raged, it is above all Central and Eastern Europe that seems to be particularly affected by the presence of large quantities of non-regularised firearms. According to our findings, significant quantities of non-regularised guns in this region are often the result of a combination of legacy firearms from the Second World War and weapons connected to former Soviet occupation (also see Chapter 2).

- **Poland**, for example, combines a variety of non-regularisation sources with one particularly relevant source: authorities reported that black digging was

¹ The others being reactivation, thefts, smuggling and dark web trade.

responsible for 40% of all weapons seized in 2009¹¹⁷. Besides, citizens obtained Soviet military weapons during the peaceful transition.¹¹⁸ The combination of post-Soviet and World War legacy firearms makes it seem likely that non-regularisation is one of Poland's most prominent diversion methods. This has to be seen against the background of other important strategies to acquire illicit weapons in the country, such as cross-border trafficking and the reactivation of firearms.¹¹⁹

- Like Poland, experts in neighbouring **Slovakia** believe that enormous quantities of firearms and war materials can still be dug up in fields. Still, no credible estimates exist on the extent of the problem.¹²⁰ These weapons stem from both the First and the Second World War.¹²¹ Post-Soviet legacy firearms have also been legally deactivated or downgraded to different types of non-live-firing weapons. The illicit re-conversion of these firearms back into live firing firearms and their subsequent trafficking have fed criminal markets across Europe since approximately 2013. Other research has investigated this trend in detail (see also chapter 4).¹²²
- In **Czechia**, the origin of surrendered firearms during amnesty campaigns provides insight into the country's problem with non-regularisation. Most of the weapons surrendered were acquired through inheritance, have been found during building (re)construction or were once hidden in attics or basements, for example, before being recovered.¹²³ According to firearms experts of the Czech Ministry of Interior, hiding non-regularised firearms is common in Czechia as a response to repeated experiences of previous foreign occupations during both the Second World War and the Cold War among other reasons.¹²⁴

Countries in the **Baltic states** have similar problems to those in Central Europe:

- The **Estonian** police state that "it is fairly common for old firearms to be found in buildings and houses, for example inside the walls, whilst renovating". It is believed that some of these firearms are remains from the Second World War and Soviet occupation. It is also assumed that an unknown number of guns became non-regularised in the process of implementing new standards for deactivation. The period for complying and therefore regularising those guns ended in 2019.¹²⁵ In a word: non-regularised firearms are not uncommon in Estonia. Still, the total numbers are estimated to be low as the country's overall market for illicit firearms is small.
- In **Lithuania**, too, non-regularised firearms are a known phenomenon as most police investigations into firearms are triggered by the discovery of firearms hidden in houses and basements.¹²⁶ However, the Lithuanian law enforcement

¹ No newer numbers were found.

authorities still do not perceive the problem as prominent in scale, as it has to be seen against a very small illicit firearms scene.¹²⁷

- Similarly, in **Latvia**, legacy firearms play a significant role. The majority of non-regularisation is caused by illicit black digging of World War 2 weapons, with hundreds of cases per year. In addition to black digging, Latvia also has large numbers of historical weapons from past wars and the Soviet occupation, which have not been illegally excavated but have been kept illegally by civilians in their homes. Seizure data from 2015 illustrate this prominent role of non-regularisation. In 2015, authorities removed 723 firearms from illegal circulation, and about 50% were the product of past wars and black digging.¹²⁸

3.3 Types of non-regularised firearms

Our analyses suggest that different types of firearms are involved in the various contexts of non-regularisation (see table 2).

Table 2: Main types of non-regularised firearms in various contexts of non-regularisation

Context of non-regularisation	Types of weapons involved
Legacies of armed conflict	<ul style="list-style-type: none"> • Various types of handguns • Various types of rifles, including automatic rifles (e.g. AK pattern rifles) • Machine and submachine guns • Carbines • Weapons that need to be renovated • Antique and historic weapons • Grenades
Changes in regulation	<ul style="list-style-type: none"> • Depending on the national context this entails one or more of the following types of weapons: • Wide variety of category B firearms (mainly handguns and rifles) • Gas weapons and/or alarm pistols • Deactivated firearms • Antique and historic weapons • Shotguns
Inheritance	<ul style="list-style-type: none"> • Wide variety of types of firearms, including: • (hunting) Rifles • Shotguns • Handguns

Non-regularised firearms that are **legacy weapons from armed conflicts** consist of a wide of handguns and long guns that are often still available in very large quantities. These weapons generally **reflect the various types of firearms possessed and used by the warring parties**, including service weapons of the armed forces, during the conflict. Not surprisingly, this involves significantly more often military-grade firearms, such as AK-pattern automatic assault rifles, machine and submachine guns compared to other types of non-regularisation. If the armed conflict took place many decades ago, such legacy weapons also include antique and historical weapons and sometimes also weapons that need to be renovated to become operational again. In addition to military-grade firearms, legacy weapons connected to armed conflicts also more often include hand grenades.

Non-regularised firearms that are connected to changes in regulation commonly reflect the types of weapons that are subject to this change in legislation. In general, these are firearms that are legally reclassified and therefore require additional registration or authorisations. Depending on the national context, this entails different types of firearms. Our analysis indicates that this mainly involves (new) Category B firearms, shotguns, blank firing weapons such as gas weapons and alarm pistols, deactivated firearms and antique or historic weapons.

Inherited non-regularised firearms include a wide variety of hunting and other rifles, shotguns, handguns and, to a lesser extent, sometimes also military-grade firearms. No clear pattern could be identified across Europe. This type of non-regularisation generally **reflects the types of firearms which are legally and illegally possessed in that specific national context.**

3.4 Interim conclusion

As we made clear at the beginning of this chapter, **information on the scope of non-regularisation primarily rests on imperfect estimates and not on reliable statistics and, therefore, must be read with caution.** This lack of data is due to the “hidden” nature of non-regularised firearms that makes detecting them cumbersome and general problems in systematically tracing seized firearms, which are exacerbated by the often low investigative priority concerning non-regularized weapons. That being said, we were still able to gather a large amount of data based on expert statements, the availability of some statistical data and our analysis of media reports.

Our findings suggest that **non-regularisation seems to account for important shares of illicit possession in a significant number of EU Member States.** In 17 EU Member States evidence of non-regularisation of firearms has been observed and we estimate a few million non-regularised firearms are currently illegally held in the EU. Besides, some of the most populous states in Europe seemingly owe essential parts of their illicitly possessed firearms to a diversion through non-regularisation. This concerns, for example, Germany, France, Spain and Poland. Given the size of these countries' populations, those firearms are likely to make up an important share of the overall number of illicitly possessed firearms in the EU. Other states have relatively big issues with non-regularisation (e.g. Latvia, Lithuania). Still, owing to their smaller population size or their low illicit firearms possession rates, it is reasonable to assume that their overall contribution to the overall number of illegal firearms in Europe might be less significant.

Different types of non-regularization appear to have varying degrees of prevalence across the EU. Consequently, their share in the illegal possession of weapons in member states varies in importance:

- Throughout the empirical data collection phase, we found evidence suggesting **large stockpiles of World War I and World War II weapons in many EU countries**

(e.g. Austria, Germany, Denmark, France). The practice of excavating such weapons from old battlefields (also called "black digging") appears to be widespread, particularly in member states in Eastern Europe and the Baltics; in others, the extent is unclear (e.g. Germany, Belgium).

- **Weapons non-regularised during or after recent conflicts, or profound political transitions also seem to be a sizeable problem in Europe.** This concerns, for example, Croatia, Northern Ireland, Portugal, and Eastern European states with Soviet legacies. For some of these firearms, it is known that they leave their domestic origin and are smuggled across the EU. This is especially the case with non-regularised weapons from the western Balkans (see chapter 4).
- **Another trigger for non-regularisation that we have identified are significant change to the firearms legislation.** This problem affects several Member States. A typical context for this type of non-regularisation is the reclassification of live-firing firearms (e.g. in Belgium or Germany) and tightening regulations on non-live-firing firearms (e.g. blank-firing guns in Spain and Lithuania).
- To which extent firearms are non-regularized through **inheritance** is much harder to grasp since insufficient tangible data are available. The issue is less visible than high profile seizures of illicitly trafficked conflict legacy weapons or the significant seizures of black-dug weapons. Reviewed media reports show non-regularisation through inheritance for Belgium, Czechia, Greece, Finland, Germany, Latvia and Portugal. Yet, inheritance as a driver of non-regularisation is likely to play a role in all EU Member States while its scope remains mostly elusive. Czechia is one of the few countries about which more detailed information is known on inheritance. It is believed to be one of the most significant overall drivers of non-regularisation at a national level in the country.¹²⁹

Our findings further indicate that not only the scope of non-regularization differs between the subtypes of non-regularization, but also the types of non-regularized firearms. Non-regularised firearms that are legacy weapons from armed conflicts consist of a wide variety of handguns and long guns, including military-grade firearms that are often still available in significant quantities. Non-regularised firearms connected to changes in regulation commonly reflect the types of weapons that are subject to this change in legislation, for example, (new) category B firearms or blank firing weapons. Illicitly inherited firearms generally reflect the types of firearms legally and illegally possessed in a specific national context.

4

Misuse of and illicit trafficking in non-regularised firearms

Analysing the influence that a diversion method exerts on illegal possession levels is not enough to understand its impact on society. There are reasons why illicit firearms from the Western Balkans (including from our case study of Croatia) are still on every European law-enforcement officer's mind. In contrast, firearms diverted after the 1972 changes to the law in Germany are not. One of the main reasons why this is the case is that illegal weapons from the Western Balkans are known to be used in crime throughout the EU, whereas the latter are not.

In most EU Member States for which we found information on nationally non-regularised firearms, it seems that these weapons remain mostly with individual citizens and are not leaked into the criminal market. An assessment of the Belgian Federal Judicial Police is illustrative of this phenomenon. According to them, the largest group of illegal firearm owners in Belgium are people without any connections to criminal or terrorist networks. They generally acquired their firearms legally in the past but have not regularised them after the Weapons Act changes in 2006 and 2012, making the possession of those weapons illegal. The Belgian police also estimates that citizens only sold a small fraction of these non-regularised weapons onto the black market.¹³⁰ We found similar expert assessments for other Member States such as Germany¹³¹ and Spain.¹³² However, it is imperative to recognise that even non-regularised firearms, which under normal circumstances would remain with their “non-criminal” owners, may eventually end up in the criminal world. In the following paragraphs, we discuss the illicit trafficking of non-regularised firearms (4.1) and non-regularised firearms use’ in illegal activities across the EU (4.2).

4.1 The illicit trafficking in non-regularised guns

Some stockpiles of non-regularised firearms seem to be far more “mobile” than others and therefore have garnered more attention or have been considered a security threat.

We have already referred to non-regularised weapons flowing from the **Western Balkans** into criminals' hands across the EU. In several countries, experts describe these guns as an essential supply for the national crime scene. Belgium, Germany, Spain and Sweden are just a few examples.¹³³ In the case of **Croatia**, which we studied in detail for this report, it is known that the outward illicit smuggling of legacy firearms gained momentum after the Homeland Wars in the period from the mid-1990s to the early 2000s. The post-conflict situation created opportunities to generate revenues from trafficking weapons out of Croatia in exchange for money and goods.¹³⁴ These activities were carried out without any paper trail, sometimes by authorised dealers or brokers. Moreover, since the early 2000s, firearms smuggled out of Croatia from the leftovers of illicit stockpiles have also sustained armed conflicts in the Middle East.¹³⁵

Today's illicit firearms trade in Croatia has taken on a different shape. The internal market for illegal guns in Croatia seems relatively dormant. A Croatian firearms expert explains that many Croatians acquired illegal firearms for their personal need from stockpiles left over from the Homeland War. In most cases, they have little interest in trading them.¹³⁶ However, holding on to firearms has somewhat diminished with the 2008 economic crisis and with a heightened sense of personal security by the end of the 2000s.¹³⁷ The domestic illicit scene's main actors seem to be private individuals: disparate sellers and buyers not always involved in large trafficking networks. Illegal transfers appear to happen in small quantities. Most characteristically, holders of small arms remaining from the Homeland Wars transfer their unregistered firearms individually.¹³⁸ Assessments of Europol and analyses of international research projects also show that some of the guns traded domestically are trafficked to supply the criminal underworld in the rest of Europe.¹³⁹ However, detailed and robust information on the exact path that Croatian legacy firearms take from "civilian attics" to crime scenes in EU Member States are often scarce.¹⁴⁰ The same is true for reliable estimates regarding the scope of the problem. In addition, to domestic issues with illicit firearms, Croatia is also considered a transit country for legacy firearms from its former Yugoslav neighbour republics.¹⁴¹ In general terms, it is known that most guns from the Western Balkans are transported in small quantities hidden in vehicles. Croatian law enforcement experts have also confirmed that criminals use this trade model in Croatia.¹⁴² Some firearms which originated in the Western Balkans region and are now circulating in the EU's illicit market are the Croatian HS pistol and the Tokarev TT variants produced in Serbia by Zastava such as the M70, M57 and M88 pistols.¹⁴³

A similar process – of legacy firearms changing hands — has taken place with guns that were non-regularised against the backdrop of **political transformations after the end of the Cold War**. In Estonia, for example, firearms from Red Army stockpiles were diverted, starting in the 1980s. The exact amounts remain opaque. Those guns were acquired mainly by criminals and "persons with entrepreneurial character" and often exchanged for other goods and money.¹⁴⁴ According to the Estonian intelligence services, many of those firearms ended up in the hands of OCGs (organised crime groups). They further suspect that this was driven not only by economic incentives and enabled by the disorder during the last years of Russian occupation but also partly as a strategy to supply pro-Russian crime groups with weapons.¹⁴⁵ Be that as it may, other evidence also

shows that “these illegal [legacy] firearms and ammunition are not possessed by a small group of people, but are rather divided [up] by different people who each own a small number of firearms”.¹⁴⁶

In the 1990s, **Bulgaria** also had problems with an outward flow of legacy firearms into criminal circles. However, the current smuggling of non-regularised weapons in the country is thought to be small-scale. As has also been described in Section 2.1.4, it must be assumed that this type of illicit trade has taken place to some degree in many former Soviet Eastern European states in the 1990s. Today Eastern European legacy firearms still play an important role in supplying criminal demand in Europe. However, this happens through a “detour” rather than the immediate trafficking of non-regularised guns. Many of these legacy guns have been downgraded into Acoustic Expansion Weapons (AEW)^I and Flobert type guns^{II}. After they are downgraded, they can be sold and bought legally. This process is most common in Slovakia, where standards for such downgrading remain comparably weak. Criminals from across Europe have made it a business to buy these arms and ‘reconvert’ them into live firing firearms. This topic has been covered in depth by other authors.¹⁴⁷

Also, in **Belgium**, guns that are typically concerned by non-regularisation have been trafficked. Before the changes in the law of 2013, some antique firearms for which ammunition still existed were favoured goods among criminals outside Belgium. The guns were bought legally in Belgium and moved to other EU Member States where they were deemed illegal.¹⁴⁸

In several EU Member States, **firearm collectors and enthusiasts have been involved in the illicit trafficking of non-regularised firearms**. In Denmark, for example, garage sales have been pointed out as a site of illicit transactions involving non-regularised firearms used by collectors.¹⁴⁹ France has also seen isolated cases of the same phenomenon.¹⁵⁰ There is also some evidence that (illegal) firearms collectors illicitly trade historical firearms across the Franco-Spanish border. These firearms are freely available in France but need authorisation in Spain.¹⁵¹ Another example comes from the Baltic countries, where trade between collectors sometimes occurs and where Latvian black-dug firearms have been smuggled to Lithuania.¹⁵² Similarly, Poland's black-dug weapons are known to be resold after refurbishment, and a separate case from Germany suggests that the phenomenon is also present there.¹⁵³ Finally, in Germany, law enforcement experts are aware of Facebook groups in which firearms, some presumably non-regularised, were traded by firearms enthusiasts.¹⁵⁴

It does not become clear from our evidence whether these collectors also trade with criminals. But the numbers of weapons concerned by trade organised by collectors and

^I Real firearms modified to be unable to fire a solid projectile.

^{II} Real firearms modified or designed for Flobert calibres. They do not fire traditional cartridge-based ammunition, but instead shoot percussion caps filled with a small projectile.

enthusiasts – for example, via garage sales – can be large, as the following case from France illustrates:

In July 2017, the police of Rennes discovered 111 non-declared arms in the house of a 56-year-old jobseeker. He was a collector, but he did not have an authorisation for any of the arms he possessed. Among the 111 weapons, the police identified 76 rifles of new and old models, including live-firing weapons of war; and 24 live-firing pistols and revolvers of different calibres from different times. The owner described himself as passionate about weapons and said that he had acquired these arms from garage sales and flea markets. (France 2017)

While it is not clear how many of the seized firearms from this case were diverted via non-regularisation, the firearms involved were not declared. The presence of older models in the described firearms collection suggests that some might indeed have become illicit via non-regularisation.

The internet has likely boosted opportunities for illicit trafficking in non-regularised firearms. In Spain, for example, second-hand online forums provide a fertile ground for specialised illegal firearms dealers and collectors searching for historical live-firing firearms, most of them stemming from the Spanish Civil War (1936–1939). These firearms mostly emerge when owners die. On these second-hand and collector internet fora, it is often claimed that those firearms are deactivated, either knowingly or unknowingly misleading the buyer, because frequently, these firearms still have the capacity for live fire. Occasionally, such guns also end up in criminal circles, primarily via collectors who buy them and sell them on.

On the other hand, citizens hand these firearms frequently to the Guardia Civil, which means that only a portion of them are traded on the Internet.¹⁵⁵ It is important to point out that the sale of such firearms seems to have gone up particularly in the aftermath of the 2008 economic crisis that had struck particularly hard in Spain. In other words, individual financial hardship can motivate owners – who have otherwise no intention to get rid of their illicitly held firearms — to sell their guns. A phenomenon that, as we described above, also occurred on the Western Balkans after 2008.¹⁵⁶

Box 2: Theft of non-regularized firearms

Through theft, non-regularized firearms can be stolen from individuals who are not involved in criminal activities. In this way, the weapons can end up in the criminal milieu where they are prone to be trafficked and misused. In Denmark, for example, the national police report that firearms from the Second World War are often possessed illicitly and are a common target of undocumented theft. These types of old weapons also "show up frequently in shooting incidents or in other criminal investigations, but without being previously reported to the police", as Lina Grip notes in her report on illicit firearms in Denmark.¹⁵⁷ One prominent case illustrates the problem:

The pistols that Omar Abdel Hamid El-Husseini used in his attack on the Krystalgade Synagogue, in which the perpetrator and one security officer were killed and two policemen were wounded, were likely non-declared weapons that had been stolen in a non-reported theft from a private home. One was a Polish-made pistol produced sometime before the Second World War. The second was a German-made Walther 7.65 mm pistol that had also been produced in the first half of the 20th century. (Denmark 2015)

In this instance from Denmark, non-regularisation and theft seemed to collude and created the opportunity for the perpetrator to acquire the weapon. Likely, similar cases are also an issue in other countries where firearm theft plays a role, and non-regularisation is widespread. We believe that such cases often are not detected by law-enforcement agencies across Europe because of a lack of systematic tracing of seized firearms in most EU Member States (also see section 3.1). We likely know about the guns' history in the case mentioned above because they were used in a high-profile terrorist attack.

4.2 Use of non-regularised guns in crime

Similar to trafficking in non-regularized firearms, there are differences between Member States in how far criminals use such guns in offences. In some Member States there seems to be a systematic link between the non-regularisation of guns and their use of criminals or terrorists. In **Croatia**, data from 2006 show that domestic organised crime was “almost exclusively committed with unregistered firearms, with unlicensed firearms accounting for 95 per cent of all cases”.¹⁵⁸ Given that non-regularised conflict legacy firearms dominate the Croatian illegal firearm market, this is clear evidence linking non-regularisation and misuse. According to Croatia law enforcement experts, the use of Homeland War legacy firearms in crime endures until today. Even though fewer than ten homicides are committed with a firearm every year in Croatia,¹ these firearms, such as Zastava and Tokarev pistols, are often leftovers from the Homeland War.¹⁵⁹ However, Croatian guns are not only used in criminal acts domestically, as has been described above. They are also smuggled (to an unknown extent) across Europe to serve criminals and have in the past been smuggled to conflict sub-regions in the Middle East and North Africa (MENA) region.¹⁶⁰ Similarly, in Northern Ireland, the use of firearms non-regularised after “the troubles” are seized in local crime scenes (see section 2.1.3).

In Denmark, as shown above, unregistered World War Weapons are sometimes stolen, end up in the criminal milieu and are then used in crimes. For other countries, the situation is less clear. For example, in the UK, antique firearms are increasingly used by low and mid-level criminals who have no access to higher grade firearms. These firearms do not necessarily fall under our definition of non-regularisation. They are often accessible without a need for a certificate or a detailed registration of personal data as part of the sale.¹⁶¹ II Whereas this example does not relate to non-regularisation directly, it shows the danger that older firearms, which are typically those held in a non-regularised fashion, can be used in crimes if other types of firearms are not readily available.

In **France**, according to its national ballistics system^{III}, the type of weapon most often linked to crime scenes were of calibre gauge 12, which typically corresponds to hunting shotguns (22% of all investigated firearms in 2016).¹⁶² A limited data set on firearms seized in terrorist investigations also shows that 8,6% of seized firearms correspond to the same calibre.¹⁶³ As described above, rules to own these guns have changed in 2011 and cases of deliberate non-regularization, e.g. through fake thefts, have been documented by the police (section 2.2.1).¹⁶⁴ Based only on this information, we cannot confidently say whether or not the investigated hunting shotguns were diverted through non-regularization. Yet, France's example underlines the risk that firearms that are

^I With the exception of one exceptional homicide in 2019 that resulted in six victims.

^{II} The reason for a lack of restrictions on these guns is that ammunition for them is no longer readily available. Yet, criminals have found work arounds by producing illegal ammunition.

^{III} We refer to the Fichier National d'Identification Balistique (FNIB, a ballistics database)

typically diverted through though law changes or illicit inheritance may be used in crimes or owned by terrorists.

In other Member States, the evidence that (potentially) non-regularized firearms are used in crimes is less strong. Lithuania authorities pointed out that the possibility of the misuse of non-regularised firearms is undoubtedly real but that they have not yet been confronted with the issue in their work. In Latvia, the authorities were aware of one individual case involving a Second World War pistol that was the product of black digging and had been used in a premeditated murder¹⁶⁵, but noted they were not aware of non-regularised firearms being used in crime in a systematic fashion. Sweden's National Forensic Centre (NFC), which analyses firearms used in crime in Sweden, reported that the “‘overwhelming majority’ of the illicit weapons used by criminals, or which are seized by the police or customs do not have a legal history in Sweden”.¹⁶⁶ The criminal misuse of firearms non-regularised in ex-Yugoslavia and subsequently trafficked is much more common in Sweden.¹⁶⁷

As mentioned above, experts in Germany¹⁶⁸ and Spain¹⁶⁹ and a previous study on Belgium¹⁷⁰ suggest that the bulk of weapons that were non-regularised in these countries are held by citizens who have no criminal intent. Of course, it is highly likely that some of those firearms end up in criminal hands either through theft or if individual owners decide to sell their non-regularised guns on the illicit market. However, nothing suggests that this happens systematically or that these firearms are used regularly in crimes in these countries. A German law-enforcement official stated that one reason why non-regularised guns (particularly those from the First and Second World Wars) are less popular with criminals is that they prefer firearms of newer manufacturing dates that seem more reliable.¹⁷¹ Previous policy research on Belgium also suggests that weapons that are easy to conceal are preferable for certain criminals, for example, in the drug trafficking milieu.¹⁷² This might make many guns typically non-regularised through inheritance or law changes, such as hunting rifles and shotguns, much less attractive to professional criminals than handguns or automatic rifles.

Despite the relative unpopularity of locally non-regularised firearms among criminals in these three countries, examples from Spain and Belgium remind us of the potential dangers. Deactivated guns with essential components in Spain were channelled to criminals because of a change in the law, as described above. Moreover, in the light of the previously mentioned scheme involving criminals buying freely available historical live-firing firearms (especially Nagant revolvers) in Belgium before 2013, it is known that some of these weapons have been used for deadly shootings in the criminal milieu in the Netherlands while French authorities also seized one of them in the house of the perpetrator of the terrorist attack on a Hypercacher supermarket in Paris in January 2015.¹⁷³ However, it is believed that the trade in such firearms has stopped in Belgium since the 2013 reform of the law.¹⁷⁴

4.3 Interim conclusions

Our findings suggest that organised cross-border trafficking of non-regularised firearms for criminal purposes seems to be limited to a few countries in Europe, especially those in the Western Balkans with armed conflict legacies. Moreover, we found that non-regularised guns are also trafficked for non-criminal purposes, for example, by collectors. Finally, undocumented thefts of non-regularised firearms are another way such weapons can end up in the criminal milieu. In short, although our findings suggest that most non-regularised guns remain with civilians with no criminal connections, the risk of their illegal trafficking is quite real. It remains to be seen to what extent more recent developments that challenge the traditionally closed nature of illicit arms markets in Europe will make it easier for citizens in possession of unregulated weapons to trade with criminals.¹⁷⁵ This specifically concerns darknet or other online firearms sales.

In many countries across Europe non-regularised legacy weapons from previous armed conflicts, especially from the Western Balkans, have been used in incidents of gun violence, various criminal activities, homicides and even terrorist attacks. This can occur in the source country of the firearm (e.g. Northern Ireland, Croatia) but also in other European countries after having been trafficked there. Yet, in many countries that we studied in-depth, the criminal use of domestically sourced non-regularised firearms seems atypical (e.g. Belgium, Sweden, Germany, Spain, Latvia, Lithuania). The frequent criminal use of hunting shotguns (e.g. in France) and antique firearms (e.g. in the UK), however, suggests that firearms that are typically concerned by diversion through illicit inheritance (or law changes) can also endanger public safety. Previous research from the UK suggests that the use of such firearms may be related to limited opportunities for mid and low-level criminals to access more capable firearms on the illicit market.¹⁷⁶ Ultimately, the analysis presented here is only a first exploration of the phenomenon of criminal acquisition, trade in and misuse of non-regularised firearms. Future research needs to systematically compare different licit and illicit origins and trafficking patterns of firearms that are used in crimes in EU Member States. Such exploration goes beyond this report's scope. Based on such systematic analysis, one could substantiate why firearms that are diverted through different avenues of non-regularisation are used in the criminal milieu in some countries but not in others. Besides, future research needs to establish to what extent non-regularised firearms are used in crimes unrelated to the criminal milieu – for example, in neighbourhood disputes, self-defence and domestic violence.

5

Policy initiatives to prevent, detect and combat non-regularisation

In previous chapters we discussed the characteristics, scope and criminal impact of non-regularisation. This chapter builds on this knowledge of non-regularisation and provides an overview of the central policies for addressing the phenomenon. The first section makes up the bulk of this analysis by discussing the most popular form of mitigation: so-called collection measures, more commonly known as “weapon amnesties” (Section 5.1). Additionally, we examine policies to prevent diversion against the background of inheritance (Section 5.2) and upcoming law changes (Section 5.3).

5.1 Collection measures

Firearms collection efforts – also known as “amnesty” or “surrender programmes” – are a popular measure used to regularise and remove illicit weapons from circulation. These measures exist around the world and have been adapted to various contexts. The role of weapons collection in post-conflict environments has received a fair share of attention. However, the existing literature is much weaker on the use of these measures in a non-conflict context.¹⁷⁷ This chapter attempts to sort through and systematise information on such peacetime collection measures in Europe based on a unique database featuring 102 cases of collection efforts undertaken between 1991 and 2019 that we have developed for Project DIVERT. We start by explaining the concept of collection measures (5.1.1). In a second step, we outline our research scope and present our data's limitations (5.1.2). We continue by developing a typology of collection measures in Europe and subsequently discuss the characteristics of these different collection types (5.1.3). We conclude with an overview of identified good practices in collection measures (5.1.4). Due to this research topic's novelty, the following explanations have an exploratory rather than a comprehensive character. We hope that they can inform future discussion on the targeted use of collection campaigns. Before we begin our analysis, it is also important to note that collection measures are not a stand-alone tool that can be used in isolation from comprehensive legal frameworks of small-arms control and broader violence reduction strategies in society.

5.1.1 Peace vs peacebuilding context: two main types of collection measures

Fundamental to the study of collection measures is the distinction between measures implemented after conflict and in peacebuilding contexts and measures administered in peacetime.

According to previous research firearms collection immediately after an armed conflict typically occurs in two phases: by command (phase I) and voluntarily (phase II).¹⁷⁸ At the end of the conflict, during peace processes or the implementation of a peace agreement, weapons are regularly collected through disarmament by command. During this phase (I), weapons surrender is a confidence-building measure between warring parties working to establish stability and a typical feature of disarmament, demobilisation and reintegration (DDR) and security-sector reform (SSR) processes.¹⁷⁹ We recorded only a few collection measures that can be classified as such in Europe between 1991–2019. These measures took place in the Western Balkans (Albania, Bosnia, Croatia, Kosovo and Serbia) and the United Kingdom (Northern Ireland). In contrast, phase II disarmament occurs in post-conflict states and capitalises on the momentum and remaining phase I disarmament structures in most cases. Individuals who voluntarily surrender weapons may be ex-combatants or civilians that have armed themselves due to insecurity during the conflict. Like in phase I, collection sites are often still organised and funded by external parties. Still, increasing ownership by the government and local stakeholders is a crucial feature of this phase. Phase II measures help to eliminate lingering post-conflict mistrust and build citizens' confidence in the state to maintain public safety. In return, participants may receive a combination of amnesty for illicit possession, development aid, money and in-kind compensation.¹⁸⁰ Phase II programmes in Europe were self-evidently concentrated in the same regions as phase I programmes.

Weapons amnesties administered in peacetime can be divided into collection programmes and collection policies. The essential difference between the two is that collection programmes have a *finite* timeframe, whereas amnesty policies are *time-unlimited*. However, both types have many things in common. Both target individual civilian gun-owners who participate voluntarily. They can be local or national in scope and offer varying incentives from amnesty to other forms of compensation. Authorities also determine varying amnesty conditions, outlining what type of weapon can be surrendered and which crimes will or will not be investigated or prosecuted. Programmes and policies can seek to regularise firearms or remove them from circulation entirely. Other goals may include changing public attitudes towards weapons and improving community-police relations. Usually, state authorities organise the collection or, at a minimum, play a role in securing the collected weapons. The amnesty conditions themselves are typically codified in a legal instrument (a law, a decree, etc). Finally, we found that in Europe both collection programmes and policies can arise in different contexts:

- after a mass shooting;
- to facilitate the implementation of new firearms legislation;
- to take action to address crime rates;
- in countries that have experienced conflict and must deal with lingering weapons; or
- without an apparent immediate cause.

5.1.2 Scope and data

The analysed geographic scope and period in this section slightly deviate from the rest of the document. We build it on a unique collection of data covering cases from 1991 onwards and concerns all European countries (excluding Russia and Turkey).¹ However, the main focus remains on EU Member States and their experiences in the past two decades. Regarding the content, we limited the discussion to those collection programmes and policies which contain an amnesty provision that protects the participants from investigation and prosecution for crimes such as illicit possession or acquisition. Therefore, other forms of collection without amnesty clauses are excluded, for example weapons seizures or procedures for “found” weapons for which the person surrendering inherently bears no criminal liability. It also excludes annual reporting of legally held weapons surrendered outside of the framework of an amnesty programme.¹⁸¹

During our background research and our analysis of our database, we found that national law-enforcement authorities do not always keep good accurate records of the results of collection campaigns. A lack of such data limits room for research and possibly restricts opportunities for evaluating collection measures for the authorities involved. For example, legally held weapons surrendered during an amnesty are often simply counted as “collected”. In other words, most data that we found do not distinguish between legally and illegally held weapons when reporting numbers from amnesty collection efforts, so there are unavoidably weapons included in this study to which amnesty provisions did not apply. Authorities also do not report the number of collected items consistently as “firearms”. Some report the number of weapons alongside the amount of ammunition collected; others use the classification of small arms and light weapons. An additional complication is that when owners surrender a firearm during an amnesty programme, they may have multiple options, including:

- applying for authorisation to remain in possession of the firearm;
- transferring the firearm to an authorised user such as a firearms dealer;
- having authorities deactivate the firearm but retain possession; or
- surrendering the firearm to authorities entirely, usually for destruction.

The number of firearms removed from circulation, either through surrender or deactivation, is rarely reported publicly. Therefore, the reported numbers may reflect firearms surrendered for destruction and deactivation plus surrendered firearms which

¹ 1991 marks the end of divided Europe and is also when the first European Firearms Directive was passed and countries began standardising firearms legislation at the European level.

are regularized at a later point. When available, we used the number of firearms removed from circulation for their analysis.

Box 3: Research Design, database on collection measures

For building our database on collection measures, we relied largely on open-source content available online to examine both amnesty conditions and collection results. Content published by national or local authorities, such as parliament, ministries, customs, police or other law-enforcement agencies, was prioritised. Most often, this was the amnesty legislation itself, programme advertisements or the reporting of collection numbers. For select European cases, we had the opportunity to consult directly with national authorities within the framework of Project DIVERT and other research endeavours of the Flemish Peace Institute. In addition, we consulted a wide range of reports of international and regional organisations. National reports of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects were an essential resource.

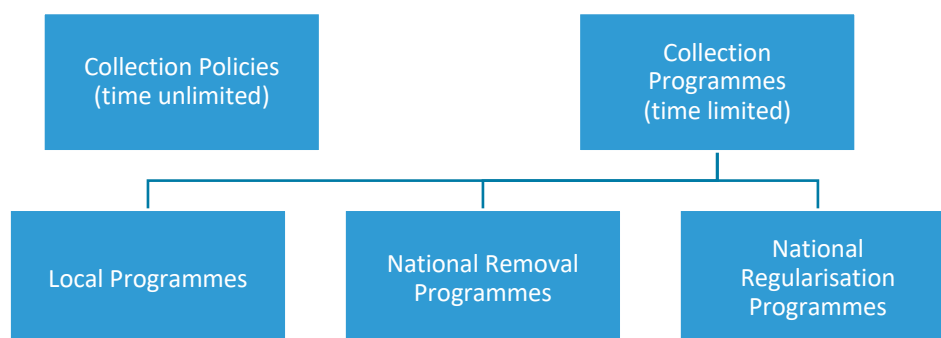
The information was analysed on a range of variables, namely the scope of the collection measure (national, local); the duration of the campaigns; the number of weapons collected; the nature of the amnesty provision (e.g. the anonymity which is granted to those who hand in firearms and which crimes are exempted from prosecution); the presence of incentives; the goal of the measure (e.g. removal of firearms from circulation vs. regularisation of firearms or both) and the context they appeared in (e.g. after a shooting, after a law change). A detailed description of the variables will also follow in the section below.

The research design for developing our database and the database itself can be consulted in the Annex of this report.

5.1.3 Collection measures in Europe

Based on our analysis of peacetime collection measures in EU Member States and additional analysis for European Third Countries, two basic umbrella types emerged: policies (unlimited time) and programmes (limited time). The latter can be further divided into three sub-types which are specific to their geographical scope (local vs national) and their purpose to remove firearms from circulation or regularise them (see Graph 1).

Figure 1: Different types of collection measures



Collection policies

Our analysis identified that collection policies have been implemented in at least five European countries between 1991–2019. Cases span Estonia and Belarus, which face weapons legacies from the presence of Soviet troops; Croatia and Montenegro, which face weapons legacies from the Yugoslav wars; and Finland, which has a history of high possession for cultural and recreational reasons. Collection policies in all these cases have been implemented at a national level, were launched during the past 15 years,¹ and have provided only one incentive for participation: the amnesty itself. No European states offered monetary or in-kind compensation to participants.

Table 3: Collection Policies in Europe (1991-2019)

	Start Date	Scope	Amnesty	Goal
Belarus ¹⁸²	Unknown	National	Blanket	Removal
Croatia ¹⁸³	2007	National	Blanket (conditional)	Removal
Estonia ¹⁸⁴	2013	National	Partial	Removal
Finland ¹⁸⁵	2004	National	Partial	Removal, regularisation
Montenegro ¹⁸⁶	2015	National	Blanket	Removal, regularisation

We also found differences between those policies that have offered blanket amnesties and those that provide partial amnesties. The “blanket” label was applied when participants were given the option of remaining completely anonymous, and authorities followed a “no-questions-asked” procedure, or when participants had to register, but firearms were destroyed immediately or did not undergo ballistics testing. We considered provisions “partial” when certain crimes such as illicit acquisition, possession, or administrative crimes (e.g. improper licensing or a lack of gun registration) were exempt from investigation and prosecution. In these cases, participants are not protected from investigation or prosecution if ballistic testing reveals that the firearm can be linked to a crime. Sometimes, in these instances,

¹ 2004–2019.

authorities also create records of submissions of the participant's information. Our analysis indicates that in Belarus, Croatia and Montenegro blanket amnesty policies were organised befitting the challenges they face due to non-regularised weapons from conflict legacies or foreign occupation, while Estonia and Finland have had partial amnesty conditions attached to their policies.¹⁸⁷

Collection policies seem to be used primarily to deal with high national rates of illicit civilian firearms possession, which implementing countries experience for historical reasons such as civil conflict, foreign occupation or the cultural or recreational importance of weapons. In Croatia and Montenegro, the policies were introduced alongside broader weapons legislation. Unlike in Australia and New Zealand following the Port Arthur and Christchurch shootings respectively, public mass shootings have not spurred a time-unlimited amnesty policy in Europe.¹⁸⁸

It must be noted that, unfortunately, data were insufficient to systematically analyse any variation in the number of firearms collected among the five European cases of collection policies.

Box 4: Collection policies in Croatia and Finland

Croatia's national collection policy was designed in light of high rates of illicit firearms possession, caused mainly by a legacy of armed conflict, combined with a significant amount of violence committed with illicit firearms at the beginning of the 2000s.¹⁸⁹ As part of a broader disarmament strategy and wider changes to the Weapons Act in 2007, the Croatian government introduced the infinite collection measure, which is codified in article 87 of the (2007) Weapons Act and later in article 79 of the 2018 Weapons Act.¹⁹⁰

Croatia's amnesty policy aims to convince citizens in unlawful possession of categories A, B or C weapons to report them to the police.¹⁹¹ In its current form, the programme allows anyone to surrender any illicitly held firearm and to have category B or C weapons deactivated for personal possession after their presentation. The deactivation option does not apply to category A firearms. Until a change to the programme's rules in 2019, it was also possible to regularise surrendered firearms.¹⁹² In general, the policy conditions stipulate that firearms' surrender is anonymous (unless a person wants to regularise/deactivate the firearm). People who surrender their guns will not be charged legally; however, an investigation is carried out on each firearm, and if it is linked to a crime, a prosecution can be launched.¹⁹³

Numbers from Croatia's UN Programme of Action reports (2014–2018) give us an idea of the numbers of collected firearms as part of these programmes: Between 2007 and

¹ Depending on the type of firearm, regulations on acquisition or possession may be more or less stringent for private individuals. The EU Firearm Directive foresees that the firearms considered most dangerous are classified in category A. These firearms are generally prohibited from civilian use, but some exceptions can apply. Category B firearms are subject to authorization. Firearms of category C are subject to declaration

2012, 33,091 weapons were surrendered (an average of 5,515 per year). In 2016, 6,206 pieces and in 2017, 5,505 pieces were surrendered to the police.¹⁹⁴ Public reports do not reveal how many of those firearms were actually surrendered as opposed to deactivated or regularised as part of the process.

Croatia's collection policy was embedded in a broader disarmament strategy, which included a service for the surrender of legally held firearms, which could be picked up at home by the police.¹⁹⁵ As part of this overarching plan, the purpose of the collection policy was widely communicated through an internationally backed outreach campaign (on the campaign, also see section 5.1.4).¹⁹⁶

Finland's collection policy was implemented in a context of a high legal possession rate, declining popularity in sport shooting and hunting combined with frequent diversion, mainly through theft. The high legal possession rate is the product of an important hunting tradition and a national defence legacy. Many men familiarise themselves with firearms through obligatory military service.¹⁹⁷ In 2016, 1.5 million weapons were legally owned by a population of five million, which is a very high share by European standards.¹⁹⁸ While the number of legal owners is decreasing, 75% of firearms are possessed by people older than 60, an age group prone to not using their weapons actively, or even forgetting about them, as a Finnish firearms expert noted in a 2019 interview. This age structure increases the risk that those firearms end up in the wrong hands, most often through theft.¹⁹⁹ This context contributes to the estimated growth in illegal firearms possession by ten per cent every year.²⁰⁰

Since the diversion and criminal use of hunting and sport-shooting firearms poses a considerable risk, Finland's grace law came into force in 2004 with the stated purpose of "[decreasing] the number of illegal and unregistered weapons in Finland". Firearms surrender is possible without legal consequences as long as the weapons "have not been used in criminal acts". Persons surrendering firearms can immediately apply for legal possession (if eligible): they may apply for a licence or transfer the firearm to a licensed owner.²⁰¹ According to Finland's national POA reports, between 2004 and 2010, more than 25,000 guns have been handed over to the police under this amnesty policy.²⁰²

Collection programmes

For the period 1991–2019, we have found 55 collection programmes in 21 European countries (17 of which were Member States in 2019).¹

¹ A detailed overview of these programmes can be found in the Annex.

Table 4: Collection Programs in Europe (1991-2019)

Country	Start Date	Scope	Duration (in weeks)	Number of weapons collected	Type of weapons collection
Belgium ²⁰³	2006	National	126	200.000	Firearms
Belgium ²⁰⁴	2018	National	43.5	37.667	Firearms
Bosnia and Herzegovina ²⁰⁵	2006	Local	4	332	SALW
Bosnia and Herzegovina ²⁰⁶	2011	National	52	3.000	SALW
Bosnia and Herzegovina ²⁰⁷	2015	National	52	170	Firearms
Croatia ²⁰⁸	2007	National	364	9.484	Firearms
Czech Republic ²⁰⁹	2003	National	26	4.192	Weapons
Czech Republic ²¹⁰	2009	National	26	6.300	Firearms
Czech Republic ²¹¹	2014	National	26	3.000	Firearms
Denmark ²¹²	2009	National	8	8.085	Weapons
Estonia ²¹³	2007	National	<52	92	Firearms
Finland ²¹⁴	2005	Local	Unknown	Unknown	Unknown
Finland ²¹⁵	2012	Local	Unknown	Unknown	Unknown
Finland ²¹⁶	2017	Local	Unknown	Unknown	Unknown
France ²¹⁷	2003	National	52	Unknown	Unknown
France ²¹⁸	2018	National	68	Unknown	Unknown
Germany ²¹⁹	2009	National	26	200.000	Firearms
Germany ²²⁰	2017	National	52	>37.200	Firearms
Ireland ²²¹	2006	National	8	1.002	Weapons
Ireland ²²²	2009	National	>24	3.000	Firearms
Italy ²²³	2018	National	16	Unknown	unknown
Lithuania ²²⁴	1992	National	8	Unknown	unknown
Lithuania ²²⁵	1994	National	8	Unknown	unknown
Lithuania ²²⁶	1998	National	8	12	Firearms
Lithuania ²²⁷	1998	National	8	Unknown	Unknown
Lithuania ²²⁸	1999	National	12	1.255	Firearms
Lithuania ²²⁹	2000	National	26	712	Firearms
Lithuania ²³⁰	2006	National	26	1.820	Firearms
Macedonia ²³¹	2010	National	52	26	Firearms
Netherlands ²³²	2000	National	Unknown	2.124	Firearms
Netherlands ²³³	2019	Local	2	60	Firearms
Norway ²³⁴	2003	National	52	35.000	Weapons
Portugal ²³⁵	2006	National	26	>6.000	Firearms
Portugal ²³⁶	2019	National	>40	>7.000	Firearms
Serbia ²³⁷	2008	National	4	8.000	Weapons
Serbia ²³⁸	2015	National	12	7.500	unknown
Slovakia ²³⁹	2005	National	52	3.469	Firearms
Slovakia ²⁴⁰	2009	National	28	4.368	Firearms
Slovakia ²⁴¹	2014	National	26	3.035	Firearms
Slovenia ²⁴²	2004	National	52	Unknown	Unknown
Slovenia ²⁴³	2009	National	12	Unknown	Unknown
Sweden ²⁴⁴	2007	National	12	13.570	Weapons
Sweden ²⁴⁵	2013	National	12	15.132	Weapons
Sweden ²⁴⁶	2018	National	12	12.365	Firearms
United Kingdom ²⁴⁷	2006	Local	4	430	Firearms
United Kingdom ²⁴⁸	2017	Local	2	110	Firearms
United Kingdom ²⁴⁹	2017	Local	2	243	Weapons
United Kingdom ²⁵⁰	2018	Local	2	313	Firearms
United Kingdom ²⁵¹	2018	Local	2	115	Weapons
United Kingdom ²⁵²	1997	National	32	162.000	Firearms
United Kingdom ²⁵³	2003	National	4	43.908	Firearms
United Kingdom ²⁵⁴	2009	National	Unknown	700	Firearms

United Kingdom ²⁵⁵	2014	National	8	6.017	Weapons
United Kingdom ²⁵⁶	2017	National	2	9.496	Weapons
United Kingdom ²⁵⁷	2018	National	2	474	Firearms

The overwhelming majority of these programmes took place at the national level, and there seems to be wide variation regarding their duration. Whereas some measures only took fourteen days, some lasted more than a year. The average time was about half a year. On average, almost 19,000 firearms were collected by the programmes we have analysed. Our analysis also showed that longer programmes do not necessarily collect more firearms.¹ Concerning the total number of firearms collected in individual programmes, the most successful programmes were organised in Belgium in 2007–2008 (over 200,000 collected firearms), in Germany in 2009 (200,000 collected firearms) and in the United Kingdom in 1997 (162,000 collected firearms).²⁵⁸

Regarding the circumstances triggering a collection programme, we found that **the biggest share (33 cases) of all the collection programmes in Europe are motivated by some change in legislation**, often combined with the goal of regularising firearms affected by the change.¹¹ A smaller segment seemed to be inspired by a conflict legacy (ten cases), and we found only four cases that seemed directly related to a mass shooting. Other circumstances, such as high illicit possession rates or high crime rates, also triggered collection initiatives in some countries, particularly on the local level (for example, in the Netherlands and the United Kingdom).²⁵⁹

Concerning the incentive structure for collection programmes, the United Kingdom and Croatia seem to be the only European countries to have offered any incentive other than the amnesty provision itself, in this case, cash. The UK cash programme occurred after a mass shooting in Dunblane, Scotland, followed by drastic gun reform legislation that effectively prohibited handguns in 1997. During the 1997 UK programme, regularisation was not an option for a broad category of newly prohibited firearms. A cash incentive may have been perceived as necessary by policy-makers for such large-scale removal.²⁶⁰ Also Croatia's 1996–1997 programme, people were paid to surrender illegal weapons in the aftermath of armed conflict on the country's territory, which officially ended in 1995. In total, 30,542,894 Kunas (approximately €4 million today) were paid out.²⁶¹

Concerning the nature of amnesty provisions, we found that most European programmes offer only partial amnesties. Only five cases of blanket amnesty were identified. These amnesties were organised in very specific contexts:

- Croatia, facing a post-conflict context with high levels of non-regularised weapons, has implemented two programmes offering blanket amnesty (2011, 2007) under the condition that no prior investigation concerning illicit firearms has been launched against the individual.²⁶²

¹ This is true both when comparing all programmes and comparing only those which took place in the same country. Short, local programmes are an exception as they collect fewer firearms. Robust statistical testing will be needed to further elaborate on this assumption in the future.

¹¹ One collection programme might have multiple drivers: for example, a shooting which leads to a change in legislation.

- The United Kingdom implemented its 1997 cash programme with blanket amnesty after a mass shooting to collect some 200,000 handguns that were newly prohibited.²⁶³
- Sweden has historically had high gun-ownership rates for recreational purposes. It also faces a challenge of illicit imports of prohibited weapons, particularly through individuals in its sizeable Balkan diaspora communities.²⁶⁴

In the following paragraphs we will describe the main characteristics of three different programme types: local programmes, national removal programmes and national regularisation programmes.

Local programmes

We have found eight collection programmes initiated at the local level in Europe. They are usually short, averaging just over two weeks long. They typically offer partial amnesty conditions and target the removal of illicit weapons in crime contexts, a recent shooting, or high firearms accessibility due to a conflict legacy. Therefore, they can serve a preventive or reactive function to remove firearms from circulation, “targeting” specific locations prone to firearms violence. Such targeted measures are highlighted by six cases of local collection programmes in the United Kingdom, which all took place in urban centres with known issues of firearms crimes.ⁱ Manchester is considered a model city for such preventive efforts: in October 2006 Greater Manchester Police collected 430 guns, spurred on by the shooting of 15-year-old Jessie James.²⁶⁵ In 2017 Manchester again launched a two-week amnesty due to rising gun crime and home theft of legal firearms, and the police collected 243 weapons.²⁶⁶ Although local programmes have gradually been absorbed into an annual firearms surrender campaign across England and Wales, coordinated by the National Ballistics Intelligence Service (NABIS), individual prefectures still initiate their additional programmes, such as the Kent Police programme in January 2019.²⁶⁷

National removal programmes

Countries that use national amnesty programmes to remove firearms from circulation typically have high numbers of non-regularised weapons for historical reasons, including crime, conflict and recreational possession. In many ways, national removal programmes are the time-limited equivalent of amnesty policies. Most offer partial amnesty, except for Croatia and Sweden which have offered blanket amnesties.²⁶⁸

Cases in Croatia, Serbia, and Bosnia and Herzegovina illustrate that removal programmes are often used in post-conflict contexts, even years after the end of armed combat, to collect non-regularised weapons.ⁱⁱ For example, in Croatia, from 1992 to

ⁱ The three local programmes not listed as examples here took place in West Yorkshire (2017), Birmingham (2018) and Bristol (2018).

ⁱⁱ These cases may arguably not always fall neatly into our scope of a “peace typology” of a collection, as they might also be interpreted as peacebuilding-centred collection measures (Phase 2). Nevertheless, they are crucial mechanisms for reducing illicit stockpiles in Europe, which makes mentioning them indispensable.

2002, the government led seven surrender campaigns that resulted in the surrender of 33,598 firearms, more than 1.6 million mines and explosive ordnances, more than five million rounds of ammunition, and more than 7.6 tonnes of explosives.²⁶⁹ The most successful of these seven collection periods occurred during the only campaign that offered monetary compensation (1996–1997). From 2001 to 2002, a nationwide “Farewell to Arms” programme was launched by the Ministry of Interior, which resulted in the surrender of 6,574 weapons and 11,064 requests to regularise weapons.²⁷⁰

High illicit firearms holdings unrelated to recent armed conflict might also alert authorities and create incentives to organise a collection programme. For example, Germany’s 2018 programme had the objective of minimising firearms and ammunition in illegal circulation. Germany’s main sources of illicit possessions are arguably non-regularisation in response to a legislative change in 1973 and, to a lesser degree, firearms held from the World Wars. The Federal Interior Ministry pointed out that the programme aimed to collect firearms that have been inherited, found or possessed illicitly. It is unclear whether the programme was also targeting the firearms of criminal actors.²⁷¹ Owing to the implementation at a sub-regional (*Länder*) level, no national evaluation followed the programme. We were, however, able to calculate the final national outcome based on separate official end-results from all 16 *Länder*; these suggest that 67,269 firearms were handed over to the authorities. Interestingly, a range of *Länder* published the shares of legal, compared to illegal, firearms that were collected during the programme. An average, calculated on available information, showed that about one third (32%) of the firearms handed in were held illegally, which is slightly more than in Germany’s previous amnesty programme in 2009.²⁷²

A third reason for organising removal programmes is crime prevention. For example, the United Kingdom increased the minimum sentencing for illicit possession in 2003 and outlawed Olympic .380 blank-firing pistols in 2009 because criminals were converting them to live-firing guns.²⁷³ Both acts were followed by amnesty programmes to reduce illicit possession, generally in the former case and for a specific weapon in the latter case. Another example of a national collection programme aimed at crime prevention is Sweden’s 2018 amnesty campaign.²⁷⁴ During the 2018 amnesty, Swedish authorities collected 12,365 firearms, only 40% of which were long guns befitting the tradition of hunting and recreational use, which are by far the most popular firearms in Sweden.²⁷⁵ However, only isolated cases of firearms surrender could be clearly linked to the criminal milieu, according to police organising the campaign. This might also have to do with the anonymity of those who hand in their firearms (also see Section 5.1.4 for the use of the campaign’s communication strategy).²⁷⁶

National regularisation programmes

National regularisation programmes in Europe overwhelmingly occur in the context of new legislation to regularise firearms that need a new type of registration, authorisation or licence. For example, a firearm status might change from “subject to declaration” to “subject to authorisation”. Similarly, some firearms might be newly prohibited, which does not always mean that they need to be withdrawn from

circulation but can also mean that they need to be adapted to a new standard. For example, in some instances, they can be reconfigured or deactivated by an official proof bank to remain legally in possession of their owners.²⁷⁷

The majority of the national regularisation programmes we analysed have provided partial amnesty conditions and offered the amnesty itself only as an incentive to participate. Blanket amnesty in Croatia, Slovakia, and the 1997 UK programme providing a cash-back incentive and blanket amnesty, are the notable exceptions.²⁷⁸ The content of legislation motivating a regularisation programme varies from changes to penal sentencing in Denmark and the Netherlands to the transposition of the 2017 European Firearms Directive into national law in France and Portugal to the complete overhaul of weapons legislation and the creation of a new legislative framework in Croatia, Slovakia and Belgium.²⁷⁹

Lithuania provides an interesting, older case study on the differences between regularisation programmes and programmes intended to both remove and regularise firearms. The country's first two amnesty programmes in 1992 and 1994 were explicitly implemented to regularise specific types of firearms which were given a new legal status: smooth-bore hunting rifles in the first programme and pistols up to 9 mm calibre in the second. The amnesty provisions were codified in the same legislative act as the legalisation of these firearms rather than separate legislation pieces. Article eight of the 1994 Act stated that after the relevant pistols and ammunition are surrendered, they "shall be legalized ... and returned to persons entitled to acquire and hold them ...". The authorities clearly did not anticipate owners wanting to surrender pistols for destruction and did not intend to target firearms for removal from circulation. This stands in stark contrast to later programmes in 2000 and 2006, which were isolated amnesties for which legislation was explicitly passed. These programs had a twofold purpose. Article one of the amnesty legislation for those programmes talks about the "withdrawal" of illegally held weapons "from civilian circulation", clearly indicating removal as a goal. However, both laws (2000, 2006) also dedicate one article to the "legalization of arms and ammunition" and explicitly outline procedures for regularising "usable weapons and ammunition", giving owners the option of obtaining a licence or selling the firearm to an authorised user. This article and procedures for regularisation indicate that the authorities intended to both remove firearms from circulation and regularise them.²⁸⁰

A similar double purpose is mirrored in Belgium's most recent collection programme (2018). On the one hand, the amnesty provision was organised for the surrender of firearm magazines. This was directly connected to an amendment of the national firearms legislation in January 2018 imposing more restrictions on the possession of such magazines. On the other hand, the authorities were aware that some firearm-holders had guns in their possession which they had yet to regularise (e.g. from previous legislative changes). The options provided by the amnesty reflected this dual intention, as people were allowed to surrender or regularise their weapons and magazines under specific conditions:

- application for a new authorisation;
- surrender;
- deactivation; or
- transfer to authorised person or entity.²⁸¹

Authorities launched an awareness-raising campaign to encourage people to take action. Leaflets were distributed, for example, in shooting clubs, and the collection programme was marketed via social networks. Some governors even decided to directly approach particular firearms owners because they knew they possessed weapons they needed to regularise. The whole collection procedure required the police to check the national weapons register (CWR) for each surrendered or regularised firearm – to verify its legal status and to verify whether it had been declared as stolen or lost. Even though citizens surrendered a fair amount of magazines and firearms, there are concerns that many were not handed over.²⁸²

Detailed statistics show the following results for Belgium: 15,596 persons made a total of 37,441 declarations to regularise their weapons during ten months of collection. Among the declared items, 53% were regularised,¹ 26% were surrendered to the authorities, while nearly 19% were transferred to authorised persons such as firearms dealers. The National Proof House received only 2% for deactivation.²⁸³ These figures are interesting because they provide a good picture of what happened to items handed in during a collection effort with a twofold purpose of removal and regularisation. Collecting such data allows law-enforcement authorities to evaluate results against their objectives (e.g. regularisation vs removal). In the case of Belgium in 2018, it seems clear that many participants in the collection measures were interested in regularising their arms, and fewer were interested in surrender or sale. Deactivating firearms was an unpopular choice. One central weakness of the approach was that the authorities did not distinguish between firearms and magazines in the data collection effort during the campaign, which is a clear drawback when analysing its success.

Ultimately, national amnesty programmes with the purpose of regularisation seem to be a useful tool to facilitate the implementation of legislation. When marketed correctly (see section 5.1.4), they can function as a proactive measure against non-regularisation.

Besides the wide range of countries that have implemented collection measures or policy, there are also some EU Member States which — to the best of our knowledge — have not conducted any collection measures, namely: Austria, Bulgaria, Greece, Hungary, Luxemburg, Poland, France and Spain. In some countries, it is not known why no collection measures have been completed; in others, such as Spain, informal practices are in place, making it possible to surrender firearms (see next section).

Based on our research on cases across the continent, **we also found some tentative patterns regarding the regional use of collection measures.** In Eastern European

¹ This number includes unsuccessful attempts at regularisation.

countries, collection measures often seem motivated by the legacy of foreign occupation and the need to mitigate firearms proliferation throughout the former Soviet satellite states. In south-eastern Europe, firearms collection programmes have predominantly sought to respond to the Yugoslav conflict legacy. In these regions the collection measures are clearly linked to the dominant type of non-regularisation in the country. In Western Europe a different picture emerges where collection programmes are generally a crime-prevention measure or are introduced alongside legislation, sometimes following a mass shooting.

Informal or semi-formal surrender practice and collection of legal firearms

In addition to the "classic" collection measures for live firearms, some Member States have chosen less formal ways to collect weapons. Others have used collection measures for weapons that are considered non-live firing firearms. Spain has collected firearms in the wake of regulatory changes in which non-live-firing guns changed their legal status. Yet, those collection efforts were not related to a broader amnesty campaign.²⁸⁴ One change, for example, concerned the tightening of the legislation on blank-firing guns, after which people had three months to regularise or surrender their guns.²⁸⁵ Despite the absence of amnesty-centred collection campaigns, Spain hosts a mechanism that allows individuals to hand in illicitly possessed firearms. As in other EU Member States, in Spain, firearms that have been found can be handed to authorities. This includes, for example, the proverbial "gun found in the attic" of deceased relatives. In Spain, however, in practice, any un-registered firearm (whether inherited or not) can be declared as found to the authorities, which allows citizens to hand in illicit firearms without repercussions if no crime was committed with them. Authorities carry out a ballistics test on the surrendered weapon to determine whether a crime has been committed with it, but only if an initial suspicion exists. Even if a crime has been committed with the found firearm, the authorities still have to establish whether the individual handing in the firearm was responsible for the crime (and not, for example, a deceased relative or any other previous owner). According to national experts, this practice's objective is to gain control over non-regularised weapons, both those actually found and those owned illicitly, to avoid their illicit – and possibly inadequate – destruction or sale on the black market.²⁸⁶ Therefore, national experts suggest that a surrender programme will not be very effective in Spain because any weapon can be handed over to the authorities at any time without legal consequences as long as the weapon has not been used in a crime.²⁸⁷ Against this background, it needs to be noted that non-regularised firearms are an important source of illicit firearms in Spain that sometimes enter the criminal market.²⁸⁸

This approach begs some questions for future research. To what extent can a mechanism that, from a legal perspective, is reserved for found firearms and that relies on an informal understanding by citizens that they will not be prosecuted for handing in illicitly possessed firearms replace an official campaign in which amnesties are legally guaranteed? And to what extent can a mechanism that cannot use public awareness-raising campaigns reach the same number of people as an official collection measure accompanied by such a strategy?

Another informal practice of “surrendering” unwanted illicit firearms has been observed by Cypriot law enforcement. Cypriot citizens seem to have found a creative way of “regularising” their firearms as they are dumped on the island, and the police are tipped off anonymously to collect them. These weapons are usually “left behind” by citizens who would not be allowed to apply for licences for the dumped firearms.²⁸⁹

A unique procedure of “disarmament” has also been applied by a formerly armed group in France. In 2017 the secessionist armed group **Euskadi Ta Askatasuna (Basque Homeland and Liberty, ETA)** surrendered large quantities of weapons in a programme managed by international disarmament experts and civil society without preparatory support by state authorities. The group, which was formerly active on French and Spanish territory, handed over more than 100 firearms, 3,000 kg of explosives and several thousand rounds of ammunition to local French authorities.²⁹⁰

Interest in carrying out collection campaigns for illicit possession of firearms and ammunition also seems to exist among security forces. In February 2021, it was reported in the media that the Kommando Spezialkräfte (Special Forces Command), a special unit of the German armed forces, held an unauthorized amnesty campaign for stolen ammunition for its members. In total, 46.400 shot of ammunition were handed back. An earlier case of ammunition theft by a soldier of the same unit most likely triggered the move. An internal investigation found that the unit had neglected safety protocols to prevent the loss and theft of ammunition on many occasions. Notably, members of the unit were also scrutinized for membership in a far-right extremist group. Courts are currently investigating the case to press charges against the high-ranking member who organized the amnesty. In addition, there are efforts to reform the unit.²⁹¹

In addition to formal and informal procedures for surrendering illicit firearms, there is also the practice of **handing over legal firearms**. For example, in the context of increasing costs of firearm licences and a dwindling interest in firearms possession, Portugal reports significant annual surrenders of legally held weapons.²⁹² Croatia is an example of a country that has formalised the handing over of legal firearms as part of the campaign “Citizen Alert”. As part of the programme, the Croatian police took possession of surrendered weapons (both legal and illegal) at the owner’s premises.²⁹³ This programme ran parallel to Croatia’s amnesty policy. It is reasonable to assume that the practice of handing in legal firearms, which are no longer needed, exists in many EU Member States. More research would be needed to examine the Member States’ different approaches and their efficacy in pre-empting the emergence of future sources for diversion through such measures.

5.1.4 Best practices of using collection measures

After having learned about the empirical findings on collection measures, the central question is this: What makes firearms collection campaigns successful? In the paragraphs below, we give our responses to this question based on our extensive background research presented in the sections above and conversations about best

practices with firearms experts. An online expert workshop on collection measures organized by the researchers attended by more than 20 law enforcement experts, national and EU policy makers, and renowned academics was particularly helpful in this regard. Besides, we draw on comprehensive guiding documents of the United Nations' Modular Small-Arms-Control Implementation Compendium and the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC).²⁹⁴

This section can be read in two ways. First, as a condensed summary of what we have learned in our systematic exploration of collection measures in Europe. An exploration that, to the best of our knowledge, is the first of its kind. Secondly, for practitioners and policymakers, it can be read as an overview of best practices and challenges that have the power to influence the positive or negative outcome of using collection measures. In this regard, it complements the aforementioned comprehensive guiding documents by the United Nations and SEESAC by providing best practice examples from EU Member States. Following the structure in which most collection programs in Europe are organised, we have structured this section into three phases: planning, implementation and evaluation. Collection measures may also include a pre-assessment phase to understand better the illicit firearms market or the firearms culture in a given country or collection area. Such a phase is critical if little previous systematic knowledge on these topics exists and to determine if collection measures are the best available policy choice. The design of such pre-assessment programs is also covered by a United Nations guidance document on the topic.²⁹⁵

Phase 1: Planning

Our research has shown that **at least five strategic questions should be answered during the preparation phase of a collection measure:**

- What goal should the collection measure achieve?
- From whom should weapons be collected?
- What form should a collection measure take?
- How should these goals and measures be communicated to the public to reach the collection measure's goal?
- What type of resources are needed to implement the collection measure?

A goal might be singular or twofold, concentrating on the regularisation of firearms or their removal from circulation, or both. The choice will be determined by the challenge and the type of non-regularisation at hand. Differentiating between goals for amnesty programmes and policies is useful, as every purpose involves different aims, different challenges of practically organising a collection measure, and different communication strategies. In other words, both single purpose (e.g. removal only) and double purpose (removal and regularisation) programmes can benefit from clearly defining their goals and strategies for every single purpose (including synergies between the two). Of

course, specific sub-goals, such as collecting a particular type of firearm, or overarching goals, such as raising awareness of illicit firearm possession, can also be defined.

A collection measure's target group may vary: it could be aimed at civilians or criminals or both groups. Within those target groups, there may be identifiable sub-groups. The United Kingdom, for example, is known to launch locally confined programmes targeting urban crime frequently. On other occasions, civilian owners of certain types of firearm, which will be subjected to a legislative change, may be the target of a collection measure. In Belgium, owners of antique firearms subject to the 2012 legislative changes are a case in point. In other instances, the purpose of a collection might be broader, as in Germany in 2017–2018, where a collection measure targeted civilians who had found or inherited firearms in the past and who now owned them illegally.²⁹⁶ In Croatia, in light of its past armed conflict, successive collection programmes have targeted war veterans, at-risk youths and rural areas with a strong gun culture for their firearms, as well as children and parents to raise awareness about the risk of illicit firearms possession.²⁹⁷

A form of collection measure that is suitable to its context must be found. Authorities must, therefore, address the question of whether it is appropriate to choose a local or a national format. While local, shorter programmes often produce lower collection numbers according to our database, they may require fewer resources than national programmes, can target centres of gun crime, and may be an important tool for building trust between communities and local police authorities. For example, the Netherlands has recently launched a local programme in Rotterdam. Plans for a national amnesty have been scrapped, with the justification that different parts of the country are affected differently by illicit ownership and that a national campaign would be more challenging to organise.²⁹⁸ A recent campaign in Portugal, on the other hand, took place at the national level since it tackled a combination of national problems. Challenges include the presence of legacy firearms and the declining interest in sport-shooting and hunting, which, according to Portuguese firearms experts, poses the risk that citizens do not extend their firearms licences while also not surrendering their firearms.²⁹⁹

Another critical choice concerns the length of collection programmes. Whereas our findings suggest that the duration of national collection programs does not directly influence the number of firearms collected, multiple factors can influence the preference for longer and shorter campaigns.¹ For example, the location of a collection plays an important role. Longer durations might be preferred if firearms are collected in remote (often rural) areas or if multiple actors, such as different police forces, international actors or citizens, are involved in the collection and need to coordinate their efforts. The decisions to pick up firearms at the homes of firearm owners as part of collection measures can also be a reason to opt for a longer duration because of the increased workload for law-enforcement officials. Authorities used such practice of picking up weapons at civilian homes in Croatia's 2007 and Germany's 2009 collection

¹ This statement does not apply to very short local campaigns, which often result in fewer firearms collected.

measure. Interviewed experts have highlighted it as a strategy to mitigate security issues that can arise from transporting firearms to police stations.³⁰⁰ In addition, the **size of the potential target group, and therefore the possible quantity of weapons handed in can be a reason for shorter or longer programmes.** A higher amount of collected firearms entails an increased workload for those who manage the collection. In other words, collection campaigns targeting specific firearms or limited urban areas tend to be shorter than large national campaigns that collect many different firearms.

Besides, before launching a campaign, the following question must be answered: **What types of crime should qualify for amnesties?** Answering this question ensures transparency for those who hand over their arms. It also poses an ethical question since individuals who committed a crime will possibly go free of punishment. Legal provisions may grant amnesty only in the case of illicit possession. They may (or may not) provide amnesty for surrendering stolen firearms or firearms used in crimes. The latter is discouraged in respective UN guidelines. Amnesties can also cover administrative offences, including letting firearms licences expire or not regularizing inherited firearms during the legally prescribed timeframe. In any case, international firearms experts have pointed out to the research team that amnesty laws should not prevent seizures and confiscations.³⁰¹ Finally, it is good practice to guarantee anonymity to those surrendering weapons and to communicate the corresponding anonymity clause widely.³⁰² Such an approach increases the chances of weapon surrender and does not preclude authorities from forensically investigating handed in firearms and the crimes that may have been committed with them. In other words, whereas the act of handing in firearms should be protected by anonymity, the previous use of handed in guns in violent crimes can still be investigated and prosecuted (unless the amnesty covers such crimes).³⁰³ Finally, amnesty clauses should also be related to negative incentives such as clear communication on the government's intention to strictly enforce the law on weapons possession after the end of a collection measure.³⁰⁴

Once authorities have decided upon the general framework for a collection measure, **it is essential to communicate this framework well.** Such communication includes instructions on which types of weapons citizens may surrender (without having to fear punishment) and whether or not they can bring the weapons to the collection point. It should also explain why it is in the citizens' interest to surrender the guns, how long the weapon collection will last and what the incentives are. Raising awareness also contributes to the citizens' sensitisation regarding the danger associated with weapons (especially explosives).³⁰⁵ **Unclear communication can impede success.** A 2004 collection programme in Norway, for example, aimed at the regularisation and surrender of firearms. Yet after initial communication by the responsible authorities, firearms owners feared that their weapons, if handed in, would be confiscated or destroyed rather than simply registered or authorised. Only after the authorities had realised their lapse in communication and subsequently adapted their communication strategy did the number of firearms handed in pick up.³⁰⁶

Besides, it is crucial to adjust the message and means of communication to the campaign's target group.³⁰⁷ Relevant considerations include their age, gender and

education, and the right choice of the means of communication and the profile of the messenger.³⁰⁸ For example, the campaign accompanying the 2018 amnesty programme in Sweden linked a call to hand in firearms with promotional videos showing gun crime and heavy-handed firearms – making a clear statement that the police expected to withdraw these types of weapons from circulation to reduce gun crime.³⁰⁹ The collection measure was also especially advertised in neighbourhoods known for the circulation of illegal guns. This outreach was mainly channelled through local neighbourhood organisations to reach young men suspected of owning illicit firearms.³¹⁰ This type of targeted approach has also been identified as good practice outside Europe. For example, it can be advantageous to involve civil society and religious leaders in the design and planning phase of a collection process to ensure that those who own weapons are appropriately targeted and trust the process enough to hand over their guns.³¹¹ Other approaches may be suited to particular problems of non-regularisation. In Croatia, a society with many legacy firearms, different communication campaigns targeted veterans of the Homeland War, rural areas known for high illicit ownership rates³¹², and even schools to reach children and parents to create awareness for the risk of firearms possession.³¹² A communication campaign accompanying the 2001–2002 “Farewell to Arms” collection measure, for example, was advertised through multiple media channels (radio, TV, newspapers, the website of the Ministry of Interior).³¹³ It also explicitly targeted veterans and Croatian soldiers through the Ministry of Defence and veterans’ associations to reduce the risk that unregistered weapons would fall into criminal circuits after veterans’ deaths.³¹⁴

Besides these aforementioned strategic considerations, **practical arrangements play an important role in the preparation phase of collection measures.** Hence, authorities need to plan for collection points; record keeping; safe storage; transport (for dangerous weapons); rapid reaction, including medical assistance (for potential accidents); forensic examination (to investigate crimes that may have been committed with the surrendered firearms); museum examination (to ensure that firearms of historical or other significance be preserved); (potentially) the presence of independent monitors; and lastly sufficient presence of trained administrative staff and security for collection points and the destruction process to protect the surrendered weapons.³¹⁵ Sweden’s 2018 programme is exemplary of some good practices in this regard. Before Swedish authorities started the implementation phase, they invested additional resources in training employees in the safe handling of firearms, recruited extra staff to deal with an increased workload and purchased extra equipment, such as safety lockers to store surrendered guns.³¹⁶

Finally, the planning of any campaign must consider the funding **available** for the expenses mentioned above. Collection campaigns can be seriously costly as there is no way to precisely predict the number of firearms that will be surrendered.³¹⁷ The **political will** to provide funding throughout the collection measures must be secured before starting the collection measure.³¹⁸ This involves managing the expectation of involved policymakers, donors, and individuals who surrender weapons.³¹⁹

Phase 2: Implementation

During and after the implementation of collection campaigns, it is vital to establish and maintain a high level of security to guarantee safety and to ensure that accidents do not diminish the collection measures' reputation. Such security provision may include clear instructions by authorities to citizens that only unloaded guns can be delivered and that firearms and ammunition need to be handed in separately. Hazardous objects, such as explosives, may also be picked up at the homes of their owners.³²⁰

After adequately organising the collection of weapons, it is vital to destroy firearms efficiently and safely. The topic of firearm destruction has also been treated in detail elsewhere, but we will add some examples of good practices we encountered during our research.³²¹ For instance, in Sweden, two decades ago, the destruction of firearms became the National Forensics Centre's responsibility (NFC). One of the reasons for shifting this responsibility away from local police forces to a central agency had to do with the fact that, before this change, sometimes weapon components that had been officially recorded as destroyed had shown up in the illicit market. The NFC's facilities adhere to Standard Operating Procedures (SOPs), which ensure that all of the components of the weapons that require a licence (bolt, barrel and frame) are irreversibly destroyed. Since the change, no new cases of diversion have been reported.³²² From interviews with Spanish experts we have learned that a "multiple eye principle" is important to prevent diversion. Such a principle means that the destruction of firearms is always conducted under a high-ranking police officer's supervision to avoid possible diversion through single individuals.³²³ Another interesting aspect of firearms destruction can be the public's involvement to generate public ownership and (visual) transparency in the amnesty process.³²⁴ For example, in Croatia, around 20 acts of public destruction of weapons were held between 2011 and 2012. They were organised by SEESAC, UNDP and the Croatian Ministry of Interior.³²⁵

Besides these best practices, some cases we reviewed showed the pitfalls of the inadequate organisation of collection campaigns and revealed some important lessons learned. A first example shows how insufficient practical preparation led to the diversion of firearms during the implementation of Germany's national collection measures in the state of Brandenburg. It serves as a reminder of why adequate preparation is critical:

At least four seized firearms have disappeared from the police's central service department (ZDPol) between 2005–2013. Internal investigation on illicit firearms trafficking and potential terrorist connection within the police force revealed severe shortcomings in documentation within the service responsible for storing and destroying seized firearms.¹ This led to suspicions that at least four firearms were not accounted for. In total 219 weapons requiring licences seemed missing but could allegedly be traced back after a renewed check-up, something the

¹ Those investigations were related to a net of investigation into the right-wing terrorist cell Nationalsozialistischer Untergrund (NSU), which assassinated various people in the early 2000s.

internal investigation team doubted to be true.³²⁶ In a final report, internal investigators concluded that boxes of firearms intended for destruction were overloaded and that weapons were missing from such boxes. Moreover, proof of destruction was missing for some firearms. These issues were, among other things, blamed on increased work-load during the 2009 amnesty programme and missing clear instructions for documentation during the amnesty period.³²⁷

A case from Belgium also shows the consequences of too high a workload during the implementation phase of collection measures, albeit with slightly different consequences, and demonstrates that accurate personnel planning is critical for organizing collection campaigns:

During Belgium's 2006 amnesty campaign, authorities were overwhelmed by the amount of administrative work related to processing 10,000s of firearms. Therefore, the authorities were not able to register all returned firearms in the Belgian national firearms database (CWR) correctly. For example, some firearms were registered under old (prohibited) categories such as 'defence gun/military firearm'. Others remained registered under temporary licences designed to ease the transitions after the legislative change. An overstrain of the police's administrative capacities led to a situation where some weapons which have been illegal since 2006 remained registered as legal. On the other hand, several firearms that were registered under old categories could not be tracked down immediately due to a lack of staff.³²⁸ In total, 22,425 firearms remain affected by this issue as of 2019.³²⁹

A third case, also from Belgium, highlights the need for oversight mechanisms to prevent firearms diversion through state officials in charge of receiving surrendered firearms:

After the 2006 national collection campaign in Belgium, internal police investigations were examining illicit tampering with the arms register by officers in charge of processing surrendered firearms. Suspicions were spurred by the stark increase in firearms possession among the police force after the collection campaign. In 2009 the investigation committee counted at least 30 cases in which police officers had misused their function to acquire firearms.³³⁰

Phase 3: Evaluation

After implementing collection measures, it is critical to establish if they have achieved their intended goal. Moreover, information on collected firearms can contribute to a better understanding of the illicit firearms market in the region or country of implementation.

Collecting good data

To evaluate the goals of collection measures and to be able to learn something about the collected guns, it is crucial to collect good data during and after collecting firearms. For

efficiency and to minimize the risks of forgery of surrender certificates or related documents, it is strongly advisable to use electronic databases for this process.³³¹

One good practice we have observed is the consistent recording of the legal status of firearms (“legal” vs “illegal”). Furthermore, it is crucial to analyse and catalogue the make, model, calibre, serial number and country of manufacture (or last import) of the collected firearm in as much detail as possible. Ideally, the data recording is complimented by a high-resolution photograph for future reference.³³² This data allows authorities to understand how many illegal firearms have been removed from circulation and what type of firearms are being held illegally. Following Germany’s recent amnesties, for example, many states (*Länder*) released statistics showing the share of illicit and licit firearms collected.³³³

Cross-checking handed-in arms against registers of lost and stolen firearms is another good practice, as it helps to update and improve the accuracy of the national firearms database. Such an approach of checking each firearm's status was, for example, carried out after Sweden’s (2018)³³⁴ and Belgium’s (2019) recent campaigns.³³⁵

Another good practice is to record what happens to firearms once they are surrendered to the authorities. In other words, it is critical to know whether previous owners

- applied for authorisation to remain in possession of the firearm;
- transferred the firearm to an authorised user, such as a firearms dealer;
- surrendered the firearm to authorities entirely, usually for destruction; or
- allowed the authorities to deactivate the firearm so that they could retain it.

For the most recent amnesty programme in Belgium, we were able to acquire exact numbers on that matter (see section 5.1.3.2). The existence of such data helps law-enforcement officials or responsible ministries to a great extent to analyse the number of firearms that have been withdrawn from circulation or regularised. Yet, the previously made observation that the authorities did not always distinguish between handed-in firearms and magazines limits the possibilities for analysing the campaign's success.

Often data on amnesty campaigns might be available to law-enforcement authorities, sometimes to specialised research bodies, but they are usually not made public by authorities in a systematic fashion. Whereas security considerations regarding withholding such data may be valid in some cases, the systematic publication of statistics on collection measures has multiple benefits. First, it creates transparency around an instrument that significantly depends on the cooperation of many (civilian) firearms owners.³³⁶ Secondly, publishing more numbers also helps generate more chances of their analysis by external researchers. Such assessments can add to responsible authorities' internal evaluations and improve the intelligence picture on amnesty measures, eventually improving future policies that target non-regularisation.

Evaluating the impact of collection measures on crime

In light of Germany's 2009 firearms amnesty, two high-ranking police union officials voiced their criticism that the amnesty had mostly been able to collect the firearms of "regular" citizens without criminal intention rather than those of the criminal underworld.³³⁷ This example shows the general challenge of evaluating the goals of collection measures. It points in particular to the difficulty of evaluating whether and to what extent amnesty campaigns can reduce crime.

One dimension directly related to the discussion on collecting good data about collection measures is the forensic analysis of weapons surrendered during collection campaigns. Such examination may include test-shooting guns, taking fingerprints and running DNA analyses of firearms. The obvious benefit of this practice is that it can be determined whether and how handed-in firearms have been used in crimes. Several national law-enforcement experts on firearms have stressed that it is good practice to focus such analysis on those guns which are typically used in crimes in the context where the collection campaign takes place (e.g. handguns). Such prioritisation may be necessary since it is often impossible to analyse all weapons handed in during a collection campaign.³³⁸ It may also be advisable to increase the capacity of forensic laboratories and share the burden of forensic analysis among multiple capable agencies to prevent a backlog of investigations and registrations of handed in guns.³³⁹

However, forensic analysis alone is not enough to assess whether collection campaigns impact firearm crimes. Croatia's disarmament experience in the past two decades, helps us better understand some of these assessment challenges. Analysis of collection measures in crime-prevention contexts in Croatia has shown, that it is likely that only low-risk users and no criminals participate.³⁴⁰ Success is more likely if a collection measure is enveloped in an integral policy to combat crime and violence involving law enforcement and the broader justice system. Such an approach may, for example, include tackling structural risk factors feeding violence by providing vocational and professional training in at-risk neighbourhoods.³⁴¹ Evaluating the results of such combined approaches is cumbersome, as both political and social factors influence crime and violence rates. Besides, there is often a lack of detailed information on small arms and their users, making it difficult to evaluate success. Yet, several performance indicators can be used to evaluate a collection measure's performance: comparing the percentage of weapons recovered to the estimated number of firearms present in the local community and comparing crime statistics before and after the weapons collection phase (firearm homicides, suicides, injuries).³⁴² In other words, in crime-prevention programmes using a combination of weapons collection, destruction and awareness-raising, success can be "measured by the reduction of crime and violence, and by changing attitudes towards small arms possession and use".³⁴³ In light of this assessment, it is interesting to note that intentional homicides have followed a decreasing trend in Croatia since 1995 after the state underwent various collection measures.³⁴⁴

One example which demonstrates the combination of introducing stricter legislation and forensic and statistical analysis comes from the United Kingdom.

During a collection campaign in 2009, the authorities specifically targeted Olympic .380 gas pistols, which was known to have been frequently converted to a live-firing gun and was used in more than 200 criminal acts. In parallel to the campaign, stricter legislation on legal possession and stricter prosecution of illegal ownership for this type of gun were introduced. A large number of Olympic gas pistols were handed in during the campaign. Forensic analysis of the collection measures was able to link some of the handed-in guns to the drug milieu. After the amnesty campaign, the monitoring of shooting incidents showed that shootings involving this specific gun decreased to almost zero. This example suggests that a tightening of regulations in conjunction with an amnesty campaign can reduce a particular type of gun crime.³⁴⁵

Finally, to paraphrase a point mentioned by various interviewed firearms experts during project Divert: every illegally held firearm taken out of the market is a gain. Even though commonly surrendered firearms may not be very popular with criminals in most cases, they can still be used for crime, especially by low-level criminals.

Besides evaluating the big picture and assessing whether goals (such as crime reduction) are met, responsible authorities can also take with them incremental improvements from one amnesty campaign to the next. For example, the criticism of the two high-ranking German police union officials that we cited at the beginning of this section was that Germany's 2009 amnesty did not include ammunition. Yet, many people still handed it in.³⁴⁶ Secondly, they stated a lack of communication from the authorities to citizens regarding the fact that transporting firearms directly to the authorities was not allowed. Instead, they had to be picked up by the respective agencies. This miscommunication led to several legal procedures against people who came to deliver their firearms at local police stations in person, sometimes together with ammunition.³⁴⁷ Guidelines on these points were much more precise in the legislation and communication during the 2017–2018 amnesty campaign. This collection measure allowed firearms to be transported (under safety restrictions) and made it possible to hand in ammunition and firearms to avoid legal ambiguities or obscurities and make the collection process more straightforward but still safe.

5.2 Policies to prevent non-regularisation through inheritance and law changes

In many ways, collection measures are a policy tool that can be applied to mitigate the various sources of non-regularisation identified and analysed in this report. Depending on its scope, a collection campaign can collect illicitly inherited firearms, firearms from previous conflicts, and a specific type of firearms affected by a law change. Yet, authorities also use other policies to combat non-regularisation. In this section, we will focus on approaches employed to prevent non-regularisation through inheritance (Section 5.2.1) and against the background of law changes (Section 5.2.2).

5.2.1 Inheritance

Unduly handled inheritance of firearms can be actively contributing to new diversion. Authorities can put in place regulation and practices which can prevent this from happening. This section presents our review of such legal provision and good practices in four Member States for which we researched challenges of non-regularisation in-depth.¹

In section 2.3, we identified different motivations for inheritance-induced non-regularisation.

First, **heirs may intentionally decide to keep firearms without regularizing them** because of an emotional attachment, a personal interest in collecting firearms or wanting to sell them for financial reasons. All four reviewed national legislations offer heirs basic options to either keep or sell their firearms after inheritance to mitigate such issues.³⁴⁸

- Registration of firearms on existing licences, or applying for a new licence
- deactivation
- transfer to eligible legal or individual persons
- surrender to state authorities.

These options provide solutions for those heirs who wish to keep firearms as live-firing firearms and therefore may need a firearms licence, for those who only wish to keep the firearm but are less concerned about its ability to shoot, and finally, for those who want to sell inherited firearms. **A second reason for heirs to not regularize their guns is a lack of knowledge of firearms regulation.** Heirs may either not know that inherited firearms are subject to legal restriction or may not be aware of the aforementioned options to keep, sell, or surrender them. A good practice to mitigate this problem is providing sufficient information on legal procedures for heirs. Such information can, for example, be provided via websites of local authorities, stating obligations and options for inheriting firearms in easy-to-understand language. We have found evidence of German municipalities, for example, providing such information.³⁴⁹

A third motivation to keep inherited firearms illicitly is the fear of getting punished. For example, heirs may worry about being prosecuted for inheriting guns that a deceased relative illegally possessed. A legal provision that allows individuals to hand in “found” firearms can be a good remedy for heirs to hand over such guns. Such stipulations can help avoid that firearms remain in illicit possession over generations. We have found examples of such legal provision in for example Spain (see section 5.1.3.3.) and Germany.³⁵⁰

Heirs may also fear prosecution or penalisation for not regularizing inherited firearms during the timeframe defined by Member States. Such regularisation periods differ between Member States: Croatia³⁵¹ and Germany³⁵² give one month, Belgium three

¹ Belgium, Croatia, Germany, Spain

months³⁵³ and Spain six months.³⁵⁴ In Spain, heirs have the additional option to “temporarily surrender” firearms to authorities while acquiring a firearms authorisation.³⁵⁵ In some countries, such as Portugal, the fines for not meeting deadlines for regularisation are very steep, encouraging heirs to sort out their legal situation in time.³⁵⁶ Yet, if heirs have already missed their deadline, there are various avenues authorities can take to regularize these guns or remove them from circulation. In Croatia, for example, guns that are not regularized on time are confiscated after 60 days.³⁵⁷ Temporary “administrative amnesties” are another remedy that allows heirs to regularise inherited firearms in their possession, even after missing the deadline. Portugal has recently carried out such an amnesty as part of broader collection measures.³⁵⁸

Yet, it is not always clear for authorities what happens to legal firearms that belonged to a deceased person. For example, in 2006, Belgian authorities conducted several searches to look for legal firearms of deceased firearms owners which had not been appropriately legalised. Yet, they only recovered 5% of the firearms for which they had identified an unclear status. The more recent the death, the easier it is to recover the weapon. In 2006, 70,000 firearms were still registered in Belgium’s CWR under the name of deceased persons, who in some cases died 20 years before.³⁵⁹

5.2.2 Preventing future diversion in light of changes to firearms regulation

This section discusses best practices to prevent non-regularisation against the backdrop of changes to firearms regulation. We present those practices according to the different motives that lead firearms owners to non-regularize their guns in such a context (see section 2.2).

Firstly, **non-regularisation may take place because firearms owners have an incomplete understanding of new laws.** Using information campaigns that specifically target actors that are concerned by the recent law changes is an essential tool to ensure that they are made aware of the obligations and options that the new regulation brings about. In many ways, the good practices in this context are very similar to those for communicating the content of collection measures (See section 2.2). The law change has to be publicly described clearly and understandably, leaving no room for interpretation concerning the obligations that come with it. Secondly, the communication has to target those that are affected by the law change specifically. Ideally, these information campaigns are followed up by routine controls to ensure that the new regulation is respected. During Spain’s 2017 law change on blank firing guns, for example, the Guardia Civil, combined broad public outreach with specifically informing dealers about their new responsibility to register the sale of blank firing guns with authorities. Those campaigns were followed up with control visits to firearms dealers after the law change went into effect to ensure that the new firearms legislation is respected.³⁶⁰

Secondly, **non-regularisation during law changes can happen intentionally if firearms owners are fully aware of new laws but decide to retain their firearms illicitly.** Keeping

comprehensive and accurate national registers of legal firearms is the primary tool with which authorities can identify whether firearms owners do not adhere to new rules. These records can help authorities to detect, for example, that firearms owners have not applied for a new authorisation after a particular type of firearm has been reclassified to a higher category. An example of a fully digitalised legal firearms registry can be found in Lithuania. All firearm transactions in the country are recorded in a central digital database covering the whole life cycle, from import or manufacture to export or destruction. Firearms dealers are directly connected to the national database, allowing close to real-time monitoring of ongoing transaction within the country. Besides, the database is automatically checked against numerous other registries, such as the databases on lost and stolen firearms, medical and criminal records.³⁶¹ In other words, against the background of a legislative change, such a system can provide accurate and up-to-date information on firearms, owners, and authorisations. Such an approach leaves little or no room for misconduct and ample opportunity for authorities to detect persons who have not regularised their firearm.

Some legislative changes also involve firearms that have not previously been registered. In this case, one possible strategy for authorities to gain an overview of previous owners is to cooperate with legal firearms dealers. They are generally obligated to keep records on the sales of weapons for several years. This strategy has helped both Spanish and UK authorities' follow up with firearms owners during legislative changes that required owners to register and authorise blank-firing guns.³⁶² Another approach of regularising firearms is allowing individuals to keep guns affected by the law change without needing to adhere to new regulations. This practice is often referred to as a "grandfathering" clause and only applies to those guns possessed before the law change comes to effect.³⁶³ This procedure was used, for example, by Spanish authorities to implement law changes concerning deactivated firearms in 2011 and 2016³⁶⁴ and, most recently, in 2020, by the German authorities regarding decoration firearms.³⁶⁵

6

Conclusions

Safeguarding the licit market and limiting diversion and building a better intelligence picture are key priorities of the 2020–2025 EU action plan on firearms trafficking. To support the implementation of this action plan this report focuses on one specific diversion method and generates in-depth insights into the under-explored problem of the non-regularisation of firearms in the European Union. Most importantly, we can conclude that **non-regularisation is an important diversion method, connected to a large quantity of illicitly held weapons across the EU. Regular civilians, not criminals, own most of these firearms.** Our research shows that it is difficult to estimate the exact scope of non-regularisation, as only a few Member States collect comprehensive data on the phenomenon. This lack of data means that findings on the topic have to be interpreted with caution.

The degree to which non-regularisation affects illicit possession in the EU differs between its Member States. Our research suggests that some of the most populous states in Europe, such as Germany and Poland, owe important parts of their illicitly held firearms to national sources of non-regularisation. Other Member States, such as Latvia and Lithuania, have also reported problems with non-regularisation. Yet, owing to their smaller population size and estimates of relatively small illicit firearm markets, it is reasonable to assume that the overall number of firearms involved is rather less significant.

Our research also indicates that a **multitude of factors can influence the scope of non-regularisation** in Member States. We have found, for example, that combinations of multiple sources of non-regularisation seem to make it more likely that many firearms are non-regularised on national territory (e.g. combining significant political transitions and a significant change in the firearms legislation). A substantial single source of non-regularisation can have the same effect (e.g. considerable conflict legacies) as combinations of factors.

Even though many EU Member States are affected by non-regularisation, they often deal with **different root causes triggering the process of diversion**. On the one hand, most countries in the EU are affected by some national **legacy of armed conflict or drastic political transition** on national territory that triggered firearms diversion. Legacy firearms from the First and Second World War are, for example, still widely spread across the EU. Similarly, legacy firearms from the Western Balkans circulate widely in the EU. Other legacies, such as firearms that were non-regularised during the dissolution of the Soviet Union, are shared (to differing degrees) by countries in Central and Eastern Europe. Additionally, some countries experience problems with legacy firearms that are mostly limited to their national territory, for example, firearms diverted during Portugal's political transition and historical armed conflict in Spain.

Another trigger for significant non-regularisation that we have identified is a **significant change to firearms legislation**. This problem affects several Member States. A typical context for this type of non-regularisation is the reclassification of live-firing firearms (e.g. in Belgium or Germany) and tightening regulations on non-live-firing firearms (e.g. blank-firing guns in Spain and Lithuania).

A third avenue of non-regularisation is brought about by **inheritance**. It concerns both the inheritance of previously legally held firearms which heirs do not correctly regularise as well as the heritage of firearms that were already illegally held by the deceased. The latter type sustains, rather than leads to, the non-regularised status of a gun. We have found evidence for non-regularisation caused by inheritance in several EU Member States. Yet, inheritance as a driver of non-regularisation is likely to play a role in all EU Member States while its exact scope mostly remains elusive. Not surprisingly, the weapons affected by diversion through inheritance generally reflect the types of firearms legally and illegally possessed in a specific national context.

While regular civilians, not criminals, own most non-regularised firearms in the European Union, the illicit trafficking in, and the criminal misuse of, non-regularized firearms does occur and can threaten security and peace in EU Member States. The organised **cross-border trafficking of non-regularised firearms for criminal ends** significantly involves firearms originating from a few countries in South-Eastern Europe. For our in-depth case study of Croatia, such evidence is currently anecdotal, while more evidence of such activities exists for other Western Balkan countries. In other countries, cross-border trafficking of firearms for criminal ends has taken place historically within the framework of the dissolution of the Soviet Union (e.g. Bulgaria) or is currently taking place but does not fall neatly within the scope of this document (e.g. easy-to-convert firearms in Slovakia).

Non-regularized firearms are also trafficked for non-criminal ends: collectors who trade firearms they dug out from battlefields from Latvia to its Baltic neighbours are examples. Besides the cross-border movement, such guns are also traded within national borders. An observation made both in the Western Balkans and in Spain is that civilians who under normal circumstances have no intention of selling their illegally owned, non-regularised firearms may decide to do so in times of economic crisis. Such

sales are easier now than they were in the past as internet pages offering second-hand goods constitute an important connection between law-abiding citizens and traffickers.

For most countries which we examined in-depth for this study, **the use of nationally sourced non-regularised firearms in the criminal milieu seems somewhat atypical** (e.g. Germany, Spain, Latvia, Lithuania). In some countries, this absence of firearms in the criminal milieu might be related to the availability of other illicit firearms sources. In others, firearms are generally a rare commodity for criminals.

That being said, **in some countries that have experienced recent armed conflict, we found evidence of legacy firearms being used in criminal acts and shootings**, sometimes even to commit murders (e.g. Ireland, Croatia). In other countries, **legacy firearms from the Western Balkans** are some of the weapons most frequently used in crime (e.g. Sweden), whereas in other countries (e.g. Germany, Spain), these weapons play a role among criminals, but to a lesser degree. Finally, the frequent use of unregistered weapons from the Second World War in Denmark's criminal milieu shows that older sources of non-regulation can also threaten security in some Member States.

Optimizing the use of policies to tackle non-regularisation

Our research has identified collection measures as a central response to preventing and mitigating diversion via non-regularisation. For collection measures in peacetime Europe, we came up with a typology that distinguishes between infinite measures (*policies*) and finite measures (*programmes*). We have further divided *programmes* into three different categories: local programmes, national removal programmes and national regularisation programmes. In our opinion, this division between scope (local vs national) and purpose (removal vs regularisation) takes into account the most relevant distinguishing factors.

Based on this distinction, we were able to generate some empirical findings. **Among the collection measures we identified in Europe between 1991-2019, the vast majority were temporary (programs), and we identified only six open-ended measures (policies).** Of all the programmes and policies, most took place at a national level compared to many fewer at a local level. The duration of programmes varied widely, from weeks to years, but we found that their length does not necessarily seem to influence the number of firearms that are handed in.¹

Our analyses demonstrated that open ended collection policies are used especially in contexts with high illicit possession rates caused by conflict legacy or important leisure-time traditions such as hunting. National, time limited, removal programmes often follow similar motivations. National regularisation programmes, on the other hand, are typically employed in the light of legislative changes. Most local programmes

¹ This statement does not apply to very short local surrender programs, during which typically smaller amounts of guns are collected.

are used for crime reduction in isolated contexts. Our analyses have shown that this categorisation into different types is not rigid, and that one particular collection measure may try to achieve multiple purposes.

Regarding the amnesty conditions of collection measures, we have found that in Europe they are almost exclusively based on the incentive of exemption from punishment for the illegal possession of firearms and hardly include any other benefits such as cash rewards. Moreover, most countries offer partial amnesties, and only a few countries provide blanket amnesties in which no investigations of handed-in guns are promised.

Besides the formalised collection mechanisms, our research has shown that **semi-formal and informal mechanisms for surrendering illicit firearms exist.** For example, in Spain, on the law-enforcement side, an understanding exists that citizens can hand in illegal guns as “found” without prosecution as long as no clues exist that those firearms may have been used to commit crimes – effectively a collection policy in disguise. Whether citizens share this understanding and the extent to which those who possess firearms trust the state authorities not to investigate or prosecute them in the absence of a protective legal status (as provided through amnesty provisions) remain unknown at this stage. Moreover, an informal mechanism for dumping firearms in remote places and anonymously contacting the police has been reported from Cyprus. But not only illegal guns can be “surrendered”, as examples from Croatia and Portugal show. There, the practice of surrendering legal firearms is formalised.

Through our data analysis and conversations, and meetings with many firearms experts, **we were able to identify a range of key questions that can be employed to organise and implement collection measures.** This set of question can be used in addition to best practices presented in existing UN and SEESAC guidance documents (see chapter 5).

Box 5: Key question for organising and implementing successful collection measures

Authorities need to address a range of questions to increase the chance of successfully conducting a collection measure.

Planning and Implementation Phase

What goal should the collection measure achieve? Authorities need to decide which firearms they want to target and if they should only be removed from circulation or if the measures shall include the opportunity to regularize firearms. Besides, they need to determine how far collection measures should be used to raise awareness (e.g. on illicit firearms possession or gun crime).

From whom should weapons be collected? A collection measure's target group may vary: it could be aimed at civilians or criminals, or both groups. Specific sub-groups may

be targeted, such as crime gangs in particular urban areas or owners of certain types of guns subject to a law change.

What form should a collection measure take? Authorities have to decide on local or national approaches, depending on the issue at hand and the resources available. Besides, authorities need to determine the duration of the measure, taking into account the estimated time to communicate the measures, the time it takes firearms owners to deliver the guns (e.g. from rural areas), and authorities' capabilities to receive and process handed in firearms.

What types of crime should qualify for amnesties? Amnesty provision can apply for illicit possession. They can apply to administrative infringements (such as not prolonging authorisations) or even exempt crimes committed with surrendered firearms from prosecution.

How should collection measures be communicated to the public to reach the goal of the collection measure? Authorities need to clearly explain the purpose of the collection measure, the scope of the amnesty provision and anonymity conditions, and the security precautions. Besides, it is crucial to adjust the message and means of communication to the campaigns' target group. Finally, expectations of superiors (e.g. in ministries) have to be managed, as collection campaigns' outcomes cannot be predicted.

What practical resources are needed to conduct the collection measures? The capacities of the personnel in charge of receiving, storing and destroying collected firearms and the capacities of forensic laboratories need to be planned appropriately. Moreover, safety precautions, proper record keeping and facilities for destruction need to be put in place.

Evaluation Phase

How can good data be collected and recorded? Authorities need to collect various data to evaluate the success of collection campaigns and gain insight into the national illicit firearms market. It is important to record detailed information on the kinds of firearms involved (type, model, brand, etc), the legal status of the firearms and what happens to the firearms that are presented to authorities (legalized as live firing, transferred to another user, deactivated, surrendered)

How can the impact of collection measured on crime be assessed? Handed in firearms should be forensically analysed for their use in crimes. Often not all surrendered firearms can be examined. Therefore, it is good practice to concentrate on those typically used in crimes in a given context. If possible, the numbers of illicit weapons recovered in collection measures should be compared to the estimated number of weapons present in the local community. Besides, crime statistics before and after the gun collection phase can be compared, although it should be borne in mind that a collection measure is only one factor influencing gun crime rates.

Finally, in addition to collection measures, we have reviewed policies that are used to tackle the non-regularisation of firearms through inheritance and against the backdrop

of law changes. Concerning **inheritance**, our research found it good practice to offer heirs of firearms multiple options on what to do with them (legalisation, deactivation, sale, surrender). Such an approach caters to the different interest of keeping or selling inherited arms and may thus prevent diversion. Besides, it is critical to inform the public about the current legislation on inheriting firearms to prevent that heirs keep firearms due to a lack of knowledge on their legal obligation or out of fear of prosecution. Time-limited amnesty programs for administrative offences, such as not meeting deadlines to regularize firearms, are another avenue to ensure that inherited firearms do not stay illegal. In addition, systematic investigations of deceased persons' firearms that are not regularized on time or confiscating such firearms can help prevent or address non-regularization through inheritance.

Concerning **firearms regulation changes**, authorities should communicate fully and accurately to avoid a lack of awareness or misinterpretation of the obligations and options for firearms owners affected by such a change in the law. Routine controls can follow up changes to the firearm regulation to ensure compliance with new rules. Additionally, comprehensive and accurate national firearms records are essential to detect individuals who have not adhered to a law change. Finally, for firearms that have not previously been registered by the state but are subject to a change in the law, it is good practice to work with firearms dealers to view their records and track the owners of unregistered firearms.

Improving the intelligence picture on the non-regularisation of firearm

Even though our research provided a first detailed overview of the scope, characteristics, and misuse of non-regularized firearms in the European Union, it also showed that **reliable, comprehensive and detailed data on the different sources of non-regularisation are scarce within the EU**. Our research indicates that, in general, national law-enforcement experts are aware of the sources of non-regularisation that we describe in this report. Research exists on those forms of non-regularisation framed as a security threat by national or international authorities, especially legacy firearms from the Western Balkans. Yet, few Member States seem to have a systematic knowledge of other sources' impact and scope. Not knowing a lot about a phenomenon does not imply that it does not exist or has a (hidden) negative effect. As one of our interviewees has put it: "We tend to downplay those sources of firearms diversion which we know little about."³⁶⁶ In the interests of the rule of law, it is necessary for Member States to learn more about illicit firearms possession in their societies and to reduce it, regardless of whether such firearms have yet been used in criminal acts. Every illegal weapon that is taken out of the market or regularized is a win. In brief, **it is critical to gain a better understanding of non-regularisation**. An improved intelligence picture is the basis for better risk assessments and, if necessary, more targeted policies to fight non-regularisation.

Some good practices in collecting data on sources of non-regularisation do exist. Seizure data in Poland and Latvia, for example, disaggregate for firearms related to

black digging and those that have their origins in previous political transitions or wars. Such information allows the authorities to establish a tentative size of specific sources of non-regularisation, and it also makes it possible to examine whether such firearms are commonly used in crimes. Other countries where it is suspected that most illegally held guns have been diverted through non-regularisation could test similar approaches. Other strategies which can deliver even more fine-grained data should also be considered. Examples include an incident database on sources of non-regularisation, which provide more details on the contexts and actors involved in cases of diversion. Law-enforcement agencies are already piloting such databases for other diversion methods such as theft.³⁶⁷ Finally, as shown in Germany, anonymous surveys can be a tool to gauge the scope of some diversion methods, such as inheriting illicit firearms.³⁶⁸

Several important avenues to improve data collection and analysis have been identified such as (1) analysing seized guns more systematically for their point of diversion and considering different types of non-regularisation as causes for diversion, (2) increasing the tracing of firearms that are used in crimes to identify and combat methods of firearms diversion used by criminals, (3) assessing significant legislative changes and their implementation while focusing on identifying diversion risks, and (4) gaining a better understanding of the extent and danger of illegal firearms possession triggered by wartime legacies and illicit inheritances. Such analysis can base itself on citizen surveys, seizure data, and dedicated databases on non-regularisation incidents.

In conclusion, we hope that with this project and report we have supported the implementation of the 2020-2025 EU action plan on firearms trafficking by contributing to the improvement of the intelligence picture on firearm diversion through non-regularisation in the European Union. We also hope that this research can serve as inspiration for law enforcement agencies and researchers alike to build more knowledge on this topic to prevent firearms from falling into the wrong hands and being used to commit criminal activities or gun violence.

Annexes

Annex 1: Collection Programmes in Europe 1991–2019

This table gives an overview of collection programmes carried out in European countries between 1991–2019. The authors do not claim that this list is exhaustive. Amnesty policies (indefinite weapons collection measures) are not part of this database (see section 5.1.3.1 of this report for an overview).



Country	Start Date	Scope	Duration	Weapons collected	Type of collection	Includes regularisation of firearms (yes, no, unknown)	Amnesty (blanket, partial, unknown)	Incentive (aid, cash, in kind, amnesty)	Goal	Context
Belgium ³⁶⁹	2006	National	126	200.000	Firearms	N	Unknown	Amnesty	Regularization	law
Belgium ³⁷⁰	2018	National	43.5	37.667	Firearms	Y	Partial	Amnesty	Both	isolated
Bosnia and Herzegovina ³⁷¹	2006	Local	4	332	SALW	N	Unknown	Amnesty	Removal	conflict
Bosnia and Herzegovina ³⁷²	2011	National	52	3.000	SALW	N	Unknown	Amnesty	Removal	isolated, conflict
Bosnia and Herzegovina ³⁷³	2015	National	52	170	Firearms	N	Unknown	Amnesty	Removal	isolated, conflict
Croatia ³⁷⁴	2007	National	364	9.484	Firearms	N	Blanket (conditional)	Amnesty	Removal	conflict
Czech Republic ³⁷⁵	2003	National	26	4.192	Weapons	Unknown	Partial	Amnesty	Both	law
Czech Republic ³⁷⁶	2009	National	26	6.300	Firearms	Unknown	Partial	Amnesty	Both	law
Czech Republic ³⁷⁷	2014	National	26	3.000	Firearms	Unknown	Partial	Amnesty	Both	law
Denmark ³⁷⁸	2009	National	8	8.085	Weapons	N	Partial	Amnesty	Both	law
Estonia ³⁷⁹	2007	National	<52	92	Firearms	N	Unknown	Amnesty	Removal	law
Finland ³⁸⁰	2005	Local	Unknown	Unknown	Unknown	Unknown	Unknown	Amnesty	Removal	isolated
Finland ³⁸¹	2012	Local	Unknown	Unknown	Unknown	Unknown	Unknown	Amnesty	Removal	isolated
Finland ³⁸²	2017	Local	Unknown	Unknown	Unknown	Unknown	Unknown	Amnesty	Removal	isolated
France ³⁸³	2003	National	52	Unknown	Unknown	Unknown	Partial	Amnesty	Regularization	law

France ³⁸⁴	2018	National	68	Unknown	Unknown	unknown	Partial	Amnesty	Regularization	law
Germany ³⁸⁵	2009	National	26	200.000	Firearms	N	Partial	Amnesty	Both	shooting, law
Germany ³⁸⁶	2017	National	52	>37.200	Firearms	N	Partial	Amnesty	Both	law
Ireland ³⁸⁷	2006	National	8	1.002	Weapons	N	Partial	Amnesty	Regularization	law, conflict
Ireland ³⁸⁸	2009	National	>24	3.000	Firearms	N	Partial	Amnesty	Regularization	law, conflict
Italy ³⁸⁹	2018	National	16	Unknown	unknown	Unknown	Partial	Amnesty	Regularization	law
Lithuania ³⁹⁰	1992	National	8	Unknown	unknown	Unknown	Partial	Amnesty	Regularization	law
Lithuania ³⁹¹	1994	National	8	Unknown	unknown	Unknown	Partial	Cash	Regularization	law
Lithuania ³⁹²	1998	National	8	12	Firearms	N	Partial	Amnesty	Removal	law
Lithuania ³⁹³	1998	National	8	Unknown	Unknown	Unknown	Unknown	Amnesty	Both	law
Lithuania ³⁹⁴	1999	National	12	1.255	Firearms	Unknown	Partial	Amnesty	Both	isolated
Lithuania ³⁹⁵	2000	National	26	712	Firearms	Unknown	Partial	Amnesty	Both	isolated
Lithuania ³⁹⁶	2006	National	26	1.820	Firearms	Unknown	Partial	Amnesty	Both	isolated
Macedonia ³⁹⁷	2010	National	52	26	Firearms	N	Partial	Amnesty	Both	law, conflict
Netherlands ³⁹⁸	2000	National	Unknown	2.124	Firearms	Unknown	Partial	Amnesty	Both	law
Netherlands ³⁹⁹	2019	Local	2	60	Firearms	N	Partial	Amnesty	Removal	isolated

Norway ⁴⁰⁰	2003	National	52	35,000	Weapons	Y	Partial	Amnesty	Regularization	isolated
Portugal ⁴⁰¹	2006	National	26	>6,000	Firearms	Y	Partial	Amnesty	Both	law, other
Portugal ⁴⁰²	2019	National	>40	>7,000	Firearms	Unknown	Partial	Amnesty	Both	law, other
Serbia ⁴⁰³	2008	National	4	8,000	Weapons	N	Partial	Amnesty	Removal	conflict
Serbia ⁴⁰⁴	2015	National	12	7,500	unknown	Unknown	Unknown	Amnesty	Both	conflict
Slovakia ⁴⁰⁵	2005	National	52	3,469	Firearms	Y	Partial	Amnesty	Both	law
Slovakia ⁴⁰⁶	2009	National	28	4,368	Firearms	Y	Blanket	Amnesty	Both	law
Slovakia ⁴⁰⁷	2014	National	26	3,035	Firearms	Y	Partial	Amnesty	Both	law
Slovenia ⁴⁰⁸	2004	National	52	Unknown	Unknown	Unknown	Unknown	Amnesty	Regularization	law
Slovenia ⁴⁰⁹	2009	National	12	Unknown	Unknown	Unknown	Unknown	Amnesty	Regularization	law
Sweden ⁴¹⁰	2007	National	12	13,570	Weapons	N	Blanket	Amnesty	Removal	isolated
Sweden ⁴¹¹	2013	National	12	15,132	Weapons	N	Partial	Amnesty	Removal	isolated
Sweden ⁴¹²	2018	National	12	12,365	Firearms	N	Partial	Amnesty	Removal	isolated
United Kingdom ⁴¹³	2006	Local	4	430	Firearms	N	Partial	Amnesty	Removal	shooting
United Kingdom ⁴¹⁴	2017	Local	2	110	Firearms	N	Partial	Amnesty	Removal	law, crime
United Kingdom ⁴¹⁵	2017	Local	2	243	Weapons	N	Partial	Amnesty	Removal	isolated

United Kingdom ⁴¹⁶	2018	Local	2		313		Firearms	N		Partial		Amnesty		Removal	isolated
United Kingdom ⁴¹⁷	2018	Local	2		115		Weapons	N		Partial		Amnesty		Removal	isolated
United Kingdom ⁴¹⁸	1997	National	32		162.000		Firearms	N		Blanket		Cash		Removal	shooting, law
United Kingdom ⁴¹⁹	2003	National	4		43.908		Firearms	N		Partial		Amnesty, possibly cash		Removal	shooting, law
United Kingdom ⁴²⁰	2009	National	Unknown		700		Firearms	N		Partial		Amnesty		Removal	law
United Kingdom ⁴²¹	2014	National	8		6.017		Weapons	N		Partial		Amnesty, possibly cash		Both	law
United Kingdom ⁴²²	2017	National	2		9.496		Weapons	N		Partial		Amnesty		Removal	isolated
United Kingdom ⁴²³	2018	National	2		474		Firearms	N		Partial		Amnesty		Removal	isolated

Annex 2: Research design, database on collection measures

Sources

For the section on collection measures the researchers relied mainly on open source content online to examine both amnesty conditions and results. Content published by national or local authorities, such as parliament, ministries, customs, police or other law-enforcement agencies, was prioritised. Most often, this was the amnesty legislation itself, programme advertisements or the reporting of collection numbers. For select European cases, the researchers had the opportunity to consult directly with national authorities within the framework of Project DIVERT and other research endeavours of the Flemish Peace Institute. National reports of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (PoA) were an essential resource for countries that distinguished between collected, seized and found weapons. Several regional and international organisations have also published web pages and reports on national weapons amnesties, particularly the United Nations Office on Drugs and Crime (UNODC), the United Nations Development Programme (UNDP), the United Nations Institute for Disarmament Research (UNIDIR), the North Atlantic Treaty Organization (NATO), the European Commission (EC) and the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC). Research institutes such as the Small Arms Survey (SAS), the Institute for Security Studies (ISS), the Bonn International Centre for Conversion (BICC), Saferworld, and the Flemish Peace Institute have also produced helpful country studies and reports that evaluate amnesties and their impact. Less frequently, articles in security and public health journals dealt with discrete collection programmes. Finally, researchers also consulted local, national and international media outlets, particularly for older programmes and when more authoritative reports on amnesty conditions and collection numbers were not available.

Data collection and coding

Researchers chose several variables to help build a framework for the characteristics of amnesty collection programs and policies. First, the **scope of collection measures** was divided into national or local. If local authorities implemented national programs, they were still labelled as national. Second, the **duration of programs** was measured in weeks. This variable is not relevant for policies, which are time-unlimited. Third, researchers logged the **number of firearms collected for each program**. As discussed in chapter five, researchers faced many data collection challenges for the number of firearms collected. When available, researchers used the number of firearms removed from circulation, exclusive of regularized firearms and other surrendered weapons or ammunition. Fourth, researchers created five mutually inclusive labels to capture the **context in which each policy and program came about**. The “conflict” label was applied to countries with a conflict legacy within the last 30 years when collection measures were at least in-part prompted by residual, non-regularized “legacy firearms”. The “crime”

label was applied to cases with known challenges of high violent crime rates or when authorities indicated that programs or policies were specifically intended to reduce the criminal use of firearms. The “law” label was applied when the passage of legislation immediately preceded collection measures, whether or not the amnesty period was stipulated in the legislation itself. The “shooting” label was applied when a specific shooting incident that resulted in public calls for authorities to take action – often legislative – immediately preceded collection measures. Lastly, the “isolated” label was applied when researchers concluded no immediate cause of a collection measure.

Fifth and closely linked to the context variable, researchers attempted to capture the **goal of collection measures** using three possible labels. The label “regularization” indicates that measures sought to allow legal gun users to legalize guns. The label “removal” indicates that measures sought to remove firearms from circulation entirely, targeting illicit possessors or newly-prohibited weapons. The label “both” indicates that authorities had the dual purpose of removing illicit firearms from the market and regularizing firearms that can be legally owned. When the goal was not explicitly stated in legislation or by authorities, the most appropriate of these three labels were determined using public advertisements, police webpages, and media reporting reflective of how collection campaigns were marketed to the public. Sixth, the **incentive structure** of each collection measure was captured using four possible labels. The “amnesty” label indicates that authorities offered only the amnesty itself as an incentive for participation, usually waiving any potential fee for firearm evaluation, collection and destruction. The “cash” label indicates that authorities offered direct monetary compensation to participants, often on a scale according to what was surrendered and sometimes using bank vouchers instead of cash on-the-spot. The “in-kind” label indicates that authorities offered vouchers for use at local supermarkets or businesses, often for toys or electronics. The cash and in-kind categories are not mutually exclusive. Lastly, the “aid” label indicates that authorities, or more often, third-party organizers or sponsors, offered individual participants or communities development aid. This could be paid out in various forms intended to foster economic development, from farming tools to infrastructure projects like roads and schools. Researchers found that this label only applied to peacebuilding cases of phase I and II disarmament. Seventh, the **amnesty conditions** of each policy or program fell under two possible, mutually exclusive labels. The “partial” label was applied when authorities could not investigate or prosecute participants for certain crimes, often illicit acquisition, possession, or administrative crimes like improper licensing or lack of gun registration. In these cases, authorities sometimes create a record of each submission with the participant’s information, and participants are not protected from investigation or prosecution if ballistic testing reveals that the firearm can be linked to a crime. The “blanket” label was applied when participants were given the option of remaining anonymous and authorities followed a ‘no questions asked’ procedure, or when participants had to register, but firearms were destroyed immediately or did not undergo ballistics testing.

Annex 3: List of cases of non-regularisation

This list is based on background research on all types of non-regularisation in all EU Member States. Most cases were identified through media analysis or provided by experts interviewed for this report. The list is not exhaustive.

Austria	
2014/2015	Lakes in Carinthia, especially Pritschitzer Bay, reportedly contain large quantities of World War Two weapons and ammunition and were described as a bazaar for weapons collectors, including boxes full of functioning weapons, such as machine guns. Military divers from a specialist demining unit have removed over 8 tons of war material from two lakes in 2014-2015. ⁴²⁴
2015	In June 2015, during a training diving exercise, firefighters found a box of firearms hidden under a jetty which may have been hidden by individuals planning to collect it at a later date. ⁴²⁵
2010	In 2010 a police officer in a Carinthian commandant was found with more than a ton of war material in his home, which he had been collecting from Lake Wörthersee, including functioning firearms. The officer had partially restored some. ⁴²⁶ The officer had received reports from divers that they had seen war relics in the lake. Instead of notifying the demining service, he repeatedly dived and collected the material using his own equipment. His collection amounted to hundreds of weapons and live ammunition. ⁴²⁷
Belgium	
2019a	In 2019 in Helchteren (commune of Flanders), a young boy found a German helmet, skull, grenade and machine gun with a metal detector. The commune seized the items for examination. ⁴²⁸
2019b	In 2019 a man and his two grandchildren found two guns and a bayonet from the World War II battlefields using a metal detector. In the past, he has also found and kept about ten helmets and guns and drinking bottles and ammunition. He said 105 shells were lying in his town Sint-Juliaans. ⁴²⁹
2019c	In June 2019, during a house search of three brothers, police found several weapons and souvenirs from both World Wars, together with drugs (cannabis and 3 kilos of speed). ⁴³⁰ The quantities involved suggest that these people were involved in drug trafficking.
2019d	In December 2019, a retired man opened fire on two burglars at his home in the province of Luxembourg. He had bought this riot-gun in 1980 but had never regularised it. This type of weapons became subject to authorisation after a legislative change in Belgium in 1989. ⁴³¹
2017a	A 62-year-old man was accused of illicit weapons possession and sales. He inherited several weapons from his father, who was in the resistance during the Second World War. The heir, who described himself as a collector, did not have a licence for any of the dozens of small arms, revolvers, bayonets and the accompanying ammunition. He attempted to hide them to avoid investigation or prosecution. During a house search conducted in September 2017, weapons of a value of 70,000 euros were seized. ⁴³² He was sentenced to 150 hours of community service (gemeenschaftdienst) and a suspended five months imprisonment sentence. ⁴³³
2017b	During a house search in May 2017, the police found a hunting weapon with ammunition in the basement of a 41-year-old man. He argued that he inherited the weapon from his grandfather, a hunter, after his death in 2010. He did not use the gun but did not apply for a possession licence either. The attorney demanded a fine of 100 euros. ⁴³⁴
2009-2010 (mixed case with Fraud)	In 2009-2010, Committee P, the police control body, examined whether police officers have tampered with the arms register during and after the "regularisation period" for weapons without a licence. During the regularisation period from 2006 to 31 October 2008, the number of agents in possession of firearms went up to 655, increasing from 130. In 2006, 18.9% agents possessed private firearms, against 34% in 2009. One of the policemen has declared 223 firearms. Cases still need to be investigated, but in mid-2009, the Committee counted 30 cases in which police officers had misused their function. ⁴³⁵
2006-2008	After the death of his father, a young man found two firearms. His mother recognised one of the weapons as one which was declared stolen by the father in the past (according to the mother, it was thought to be stolen together with other belongings during a burglary). When the weapons were found, the mother did not bring the re-discovered weapon to the police, fearing she might be accused of the theft. The police seized the two firearms following an investigation into domestic violence in the same family. The court demanded a fine and the surrender of the firearms. ⁴³⁶

2006-2008	A former city councillor was subpoenaed for the illicit possession of a pistol he had received as a reserve officer in the late 1970s. He claimed to have been in frequent contact with local police after the adoption of the 2006 Weapons Act to discuss the legal status of the weapon and the regularisation that had not materialised. ⁴³⁷
2006-2008	A man living in a village near the French border did not regularise his weapon. He argued that the weapon was considered a freely obtainable air gun in France. He used the weapon to threaten and shoot at his neighbours during a quarrel. ⁴³⁸
2006	Philipp V.H., a police officer and legal arms dealer, was accused of illegal trafficking. In 2006, he took home several weapons that had been deposited at the police station and considered them his property and merchandise. Committee P identified that the Lebbeke-Buggenhout police zone had remarkably low figures of surrendered weapons. An investigation revealed that several weapons and documents with wrong dates were at the man's house. The man is suspected of forgery of false documents, anti-dating and blackening of seven weapons. ⁴³⁹ According to his lawyer, this was legal as in periods of amnesty, individuals can choose to have their weapons destroyed or left to a recognised dealer. ⁴⁴⁰
Croatia	
2016a	In 2016, the Sisak-Moslavina police discovered eight rifles and four pistols and ammunition, different parts and components and explosives, during a house search. An ensuing investigation established that the firearms had been acquired immediately after the Homeland War and had been in illegal possession ever since. ⁴⁴¹
2016b	In 2016, eight Croatian citizens were arrested for unauthorised possession of firearms after an investigation by the Police in Split in collaboration with the Dutch Police. A Dutch citizen was also arrested. The police seized the following live-firing firearms, "...two CZ M88 pistols, one Beretta 9 mm pistol, two M70 B1 automatic rifles, a CZ M70 automatic rifle with folding stock, a Kalashnikov rifle, an M53 machine gun, an M72 machine gun..." ⁴⁴² In addition, the police seized ammunition, hand grenades, and RPD and grenade launchers. The media report notes that the police suspected that these illegally-held weapons were intended to be smuggled into the Netherlands. One of the owners was a collector who owned various firearms (16 shotguns) and firearms components, 12 ammunition tanks, 11 detonator capsules, 11 meters of an incendiary rod, four hand grenades and one TNT bullet. He acquired some of them shortly after the Homeland War and have remained in illicit possession since then. Many of the firearms were silencers, which is rather exceptional, but they can be used for hunting. ⁴⁴³
Cyprus	
2010	In 2010 upon anonymous information received regarding a firearm abandoned in an open space outside Vrysoulles village, a joint search operation involving Ayios Nicolaos Police Officers, Intelligence Unit and Dog Units was initiated, and a hand pistol was found. It was later established that the said firearm was a carbine that had been modified into a pistol by cutting the barrel. It is believed that the modified firearm is a product of the historical legacies of Cyprus, having been used by a civilian during the war. The anonymous information received was possibly an attempt from the owner to hand over the illegally-held weapon to the police. ⁴⁴⁴
Denmark	
2015	The pistols that Omar Abdel Hamid El-Hussein used in his attack on the Krystalgade Synagogue were likely non-declared weapons that had been stolen in a non-reported theft from a private home. 'One was a Polish-made pistol produced sometime before the Second World War. The second was a German-made Walther 7.65 mm pistol that had also been produced in the first half of the 20th century.' ⁴⁴⁵
2010	The East Jutland Police examined the individual collections of 152 collectors. They 'confiscated 250 antique weapons from 29 civilian collectors over two days due to their failure to report the new antique weapons they had added to their collections. Another charge was that the owners had not stored their weapons in approved firearms storage facilities.' ⁴⁴⁶
Finland	
2017	In 2017 a senior individual surrendered his collection of World War One firearms to West Uusimaa police. It is believed he had these weapons since childhood and potentially inherited them from his parents. ⁴⁴⁷
France	
2018a	In September 2018, in Marseille, a police officer's house was searched after the death of a 27-year-old man. A gmm Glock pistol was found. The police officer – suspected of intentional homicide –

	possessed and used this arm for sport shootings. Because he was under judicial supervision since the incident, he was not allowed to possess a firearm or had to deposit the proves that of firearms ownership. As a result, he was put into custody. ⁴⁴⁸
2018b	In July 2018, the gendarmerie of Tarbes (Hautes-Pyrénées) discovered an arsenal in a collector's house. In total, they found 57 firearms (category C hunting weapons) and hundreds of ammunition. All of them were functioning. The police found this armoury by chance when they were being called to settle a conflict between neighbours. Questioned by the police, the firearms owner said that he was not aware of the restrictions on firearms possession. He said that he had inherited the weapons and possessed them for the collection purpose only. ⁴⁴⁹
2018c	In October 2018, Bachir Gouasmi – treasurer and son of the founder of the Muslim Shia centre of Grande-Synthe (near Dunkirk) – was sentenced to six months of imprisonment for illegal possession of firearms. Two firearms (16 and 12 calibre hunting rifles) and a cartridge manufacturing machine were discovered during an anti-terrorist operation conducted at the centre. As Gouasmi explained, at that time, a request to acquire an authorisation was submitted to the prefecture, but it was refused. Gouasmi said he inherited arms from his uncle and held them for about twenty years. Even though Gouasmi was aware he breached the law, he kept the weapons for safety reasons, evoking the 2015 attacks in Paris and the attack of the Mosque Redha in Brussels. Gouasmi mentioned a threat from Al Qaida and the so-called 'Islamic state' towards the Shia community as reasons for holding weapons. ⁴⁵⁰
2017	In July 2017, the Police of Rennes discovered 111 non-declared arms in the house of a 56-year-old jobseeker. He was a collector, but he didn't have an authorisation for any of the arms he possessed. The investigation started when the police received an anonymous phone call informing them about a huge number of arms in the man's house. Five days later, the police searched the apartment. Among the 111 weapons, the police identified 76 rifles of new and old models, including non-neutralised weapons of war; and 24 functioning handguns (pistols and revolvers). The police also found 11 cold weapons, such as Japanese swords and cane swords. The owner described himself as passionate about weapons and said that he had acquired these arms from garage sales and flea markets. He affirmed that he never used any of these weapons. The arsenal is estimated at several tens of thousands of euros. ⁴⁵¹
Germany	
2018a	In July 2018, German Police apprehended a man that was found to have successfully searched for old weapons from World War II using a metal detector with the intention of refurbishing and reactivating the weapons to make them useable again—and offer them for sale. The police found over 100 weapons from World War II in various conditions and charged the man with violating both the War Weapons Control Act and the Weapons Act. ⁴⁵²
2016a	In Senden in the south of Germany, construction workers have found ammunition and pistols on a false floor in an abandoned building. Police suspect that the firearms are remainders of the second world war. ⁴⁵³
2016b	In 2016 a 27-year old from the German town of Straubing appeared to have found a Smith and Wesson revolver that had initially belonged to his grandfather and decided to hand it in at the local police station. As the man did not have a weapon owner's licence, he could not carry the weapon—even only on the way to the police station—and criminal proceedings were initiated against him. Only during amnesty programmes that specifically exempt the carrying of firearms directly to the authorities, exemptions apply. ⁴⁵⁴ However, found firearms (for example of deceased family members) should be immediately reported to local police to pick up such firearms. No legal problems are expected if there is no indication that the (living) relative has used the firearm. ⁴⁵⁵
Greece	
2016	In 2016 police arrested an individual with a collection of numerous rifles, shotguns, handguns, alarm pistols, grenades, other materials, and a multitude of ammunition. The individual indicated that they were family heirlooms that they had collected and had no prior criminal background. ⁴⁵⁶
2017a	Similarly, an individual was arrested in Mavrothala, Serres, for illicit possession of at least three pistols, three rifles, a shotgun, grenades and ammunition. They also indicated that the firearms had been inherited heirlooms that had not been used for years. ⁴⁵⁷
2017b	A man in Volos had hidden his weapons from the Second World War in his house and told his son before passing. The son asked the military to investigate the weapons. They found at least five rifles, including a Mauser, at least five handguns and various grenades and ammunition. ⁴⁵⁸
Hungary	

2019	On 8 May 2019, The Counter Terrorism Unit arrested a man selling firearms and ammunition that he had acquired during his time in the French Foreign Legion without proper authorisation. ⁴⁵⁹
2018	On 30 October 2018, hundreds of World War II weapon arsenals (explosives, firearms and other weapons) and ammunition were found in Kaposvár. It is believed that the collection belonged to two unemployed electricians that had successfully searched for ammunition and explosives at former military stations. ⁴⁶⁰
Ireland	
2016	In 2016, the SDU (Special Detective Unit) secured 5-year convictions against IRA members for firearm possession. ⁴⁶¹
Italy	
2018	In February 2018, in the Province of Frosinone, the State police confiscated four shotguns and two handguns to five people that failed to submit to the police a renewed health certificate proving their mental and physical fitness. ⁴⁶²
Latvia	
2017a	In late 2017 police in Latgale seized several firearms, including many historic firearms, 23 sub-machine guns and machine guns, 18 rifles, 13 pistols, 3,719 rounds of ammunition of different types, 188 explosive devices and their components, as well as 94 essential components of firearms. Most likely, the firearms are legacy weapons from the second world war and Soviet occupation. ⁴⁶³
2017b	In 2017, a police investigation in Dundaga county led to the arrest of two individuals and the seizure of four pistols, three rifles, a sub-machine gun (MP-40) and a machine gun, most of which had been excavated from World War Two battlefield sites. ⁴⁶⁴
2016	In an investigation in 2016, police detained ten people and conducted searches across the country, resulting in the seizure of 48 carbines, 23 pistols, eight shotguns, 11 machine guns, a rifle, 43 hand grenades, 62 explosive devices, and 8845 items of various types of ammunition. The weapons were historic and had been purchased or illegally excavated from battlefield sites. ⁴⁶⁵
2015a	In 2015 during an investigation in Ropazi Country, Police found carbines, a revolver, and rifles, including one from the First World War. In total, police discovered 17 illegal firearms and 19 legal firearms. Many of the weapons were from past wars. ⁴⁶⁶
2015b	In 2015 the police conducted targeted investigations in several districts in Latvia, resulting in the seizure of 71 firearms and over 3,000 pieces of ammunition. Among the seized weapons were machine guns, sub-machine guns and assault rifles. Many of the weapons were from past wars, with the two arrested individuals having been engaged in the illicit excavation of firearms and trafficking firearms from abroad. ⁴⁶⁷
Lithuania	
2018	A small group of weapons collectors in Šiauliai County in 2018 were investigated for illegal firearms possession after they had been found transporting undeclared firearms from Latvia to Lithuania whilst house searches uncovered further arsenals of illegal firearms. These firearms dated mainly from the World Wars. They had been collected through exchanges with other collectors whilst other weapons had been unearthed by the suspects in surrounding forests and former battlegrounds. Overall the group was found with tens of weapons, over 1,000 units of ammunition, and 12kg of explosives. ⁴⁶⁸
2014	In 2014 Zaliakalnis police were approached by an individual seeking to legalise their 150 firearms and daggers, a home collection built since childhood. Officials began a pre-trial investigation into illicit possession. ⁴⁶⁹
Poland	
2018	In 2018 during a police intervention in a domestic dispute, police found ten illegal firearms, of which some were from World War Two. They found seven rifles, a P38 pistol, another Walther pistol, and a submachine gun. ⁴⁷⁰
2017	In 2017 an individual in Łańcut was detained for possession of three rifles and five handguns in addition to 3,200 units of ammunition. The suspect claimed that they had been collecting the weapons for many years for collector's purposes. ⁴⁷¹
2016	In 2016, Police in Kielce investigated an individual suspected of illicit firearms possession. During the investigation, they discovered 13 firearms, of which many were from World War Two. The suspect suggested he had received them from a man who was once a partisan. ⁴⁷²
2014	In 2014, Oświęcim police investigated an individual suspected of possessing illicit firearms. During an inspection of the suspects flat, they found several (at least 5) firearms from the Second World War. Most of the guns appear to be rifles. ⁴⁷³

Portugal	
2018	One widow in Castelo Branco was left in possession of her husband's Kalashnikov and Shpagin submachine guns and thousands of rounds of ammunition that he had acquired as an officer in the Portuguese military. ⁴⁷⁴
Spain	
2017a	<p>In 2011 procedures and specification to disable firearms have been strengthened in Spanish firearms regulations. Once the changes took effect, it was no longer possible to sell firearms deactivated before 2011. In other words, it is — till this day — allowed to possess firearms deactivated by old standards, but to sell them, they need to correspond with the new standards.⁴⁷⁵ The responsibility (financially) lies with the buyer of such deactivated firearms.⁴⁷⁶ According to the new standard, deactivating a weapon could cost up to 250€ per arm with the Proof house in Elbar. This fact severely impeded the business model of large scale collectors selling deactivated firearms.⁴⁷⁷</p> <p>According to the National Police, who investigated a network of large scale firearms collectors who sold deactivated firearms, and other military material, this change in legislation motivated some of these businesses to undertake illicit actions of selling deactivated firearms and essential components (to reactivate them). The original stock of those firearms was often bought in wholesale quantities during the decline of the Spanish firearms producing companies at the end of the 20th century.⁴⁷⁸</p> <p>The investigative operation revealed links to illicit workshops reactivating firearms, and there are allegations that the collectors themselves also reactivated some firearms. Also, an illegally acquired stamp was used in the scheme to falsify deactivation certificates (claiming that firearms were deactivated by new standards, which they were not when sold).⁴⁷⁹ The 10.000 firearms seized during the operation make for one of Spain's biggest firearms seizure in recent times. Courts still have to establish how many of those firearms are considered illegal. Investigations have shown that firearms stemming from this scheme have ended up in the criminal underworld (mostly with petty and common criminals, less with large scale organised crime groups) in Spain.⁴⁸⁰</p>
UK	
2019	In January 2019, a landowner was arrested by police in possession of a 12 bore weapon on an estate field, about 110 yards away from nearby properties in Scotland. He was shooting pigeons with his sons. Police discovered that he did not have a valid certificate for owning or using the weapon. The weapon was held on the firearms certificate of the estate gamekeeper, who was absent at the time of the shoot. The landowner failed to renew his certificate for using the gun, which expired three years before the shoot. In this case, the weapon in itself was legally owned. Still, the fact that the user did not renew his authorisation shows that the practice of not renewing one's authorisation exists – be it for firearm use or possession. ⁴⁸¹
2018	The general manager of a country hotel was caught for owning illegal guns in England. He was storing firearms inside a gun room in his hotel without the appropriate authorisation. He had owned a firearms certificate for a semi-automatic shotgun and an air rifle when he previously lived in Northern Ireland. The licence, which was valid in England, expired in 2015. He did not extend it, and nor did he surrender his weapons. Police started to investigate his case after a member of personal reported that he used a weapon inside the hotel. Investigation revealed that the hotel manager owned other weapons: an air-weapon for which he did not have authorisation and an illegal electric stun gun. He was sentenced to a suspended 12 months of imprisonment in 2018. ⁴⁸²
2018	In August 2018, a man was charged with a series of firearms offences. Police found 14 guns in his house. He was charged with offences of not complying with the conditions of a firearm certificate, possessing a shotgun without a certificate and four counts of possessing ammunition or a firearm without a certificate. He was also charged with possessing a self-loading pump-action smoothbore gun (although the source did not mention if the barrel was less than 40 inches (prohibited) or large (authorised) and possessing firearms without a certificate. ⁴⁸³ According to the defence, he had owned firearms licences since 1974 and shotgun licences since 1968. But the media reports did not make clear if he had failed to renew some of the licences or if some of his licences had never been possessed legally. ⁴⁸⁴
2014	In September 2014, police discovered a large stockpile of weapons dating back to the First and Second World War. Police suspect a man to have obtained these artefacts through illegal metal detecting, which is a heritage crime. The man is also suspected of having stolen items from a former prisoner of war camp. Items include hand grenades, rifles, mortar shells, guns, and ammunition found in his garage in Hertfordshire. ⁴⁸⁵

Endnotes

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