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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a Directive of the European Parliament and of the Council on combating firearms trafficking and other firearms-related offences and amending Directive (EU) 2024/1260 of the European Parliament and of the Council - Examination of the Presidency note

Introduction in view of the examination of the text at the meeting of COPEN on 23 September 2026

Building on the previous work presented by the Presidency at the COPEN Working Party on 3 September 2026, and the discussion and comments received, the Presidency submits the redraft of the text of the proposal set out in annex to this note. The Presidency has also consulted with the Council Lawyer-Linguist team and, on foot of this consultation, has made minor technical amendments to certain Articles, none of which have an impact on substance.

At the COPEN Working Party meeting on 23 September, discussions will first focus on Articles 2, 3, 5, 6, 7 and the Annex, and then continue with the rest of the text. The Presidency would draw particular attention of delegations to the following points:

Article 2

- A definition of 'seized firearm', which is modelled on Article 3(5) of Directive (EU) 2024/1260 has been added to Article 2: 'seized firearm' means the temporary prohibition of the transfer, destruction, conversion, disposal or movement of firearms, essential components or ammunition or temporarily assuming custody or control of property. This has been adapted to include reference to firearms, essential components and ammunition. Member States are invited to confirm this text, or – if necessary – propose further refinements.

Article 3

General points on the interpretation of proposed amendments to Article 3:

- Recital 7b has been amended at the request of a number of delegations. Using recital 4 of Directive 2021/555 as a basis, this recital seeks to further clarify that offences under this Directive must be prohibited under applicable firearms *acquis* in order to constitute a criminal offence under this Directive.
- The Presidency has therefore used the formulation "in contravention of a requirement for [authorisation/declaration...] in accordance with [relevant acquis]" throughout Article 3. This is intended to clarify that conduct is only criminalised where the applicable Union firearms acquis requires an authorisation or declaration. This approach avoids unintentionally bringing purely private, non-commercial activities within the scope of the Directive where no such requirement exists e.g. reloading of ammunition for own use. The Presidency recalls two exceptions to the above principle, in circumstances in which Article 3 provides for independent criminalisation:
- Article 3(2)(c) given that while markings are required by these instruments, the instruments are silent on their removal and falsification, and
- Article 3(3) on blueprints.

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Article 3(1)

- At the meeting on 7 July, several delegations requested greater differentiation between offences involving: (i) Category A and B firearms and their essential components; (ii) Category C firearms and their essential components; and (iii) ammunition. The Presidency therefore restructured Article 3(1) to distinguish between these categories. The purpose of this approach is to allow Member States to apply different offence classifications and penalty levels reflecting the differing risks posed by the various categories of firearms and ammunition. The Presidency's objective is to preserve flexibility for differentiated penalties while maintaining a concise structure.

- At the request of a delegation, Recital 7d has been added to outline that while this Directive establishes certain minimum rules concerning the definition of criminal offences and sanctions, it does not prevent preclude further offences being provided for in national law, including when they sanction the violation of national legislation.

- The Presidency has deleted "within a Member State" from Article 3(1)(b). In the Presidency's view, dealer authorisations under Directive 2021/555 are not inherently territorially limited and may permit cross-border activities. Where cross-border movements occur in breach of the conditions of an authorisation, the illicit nature of the conduct stems from non-compliance with the authorisation itself rather than the movement of the firearm outside the Member State. The Presidency invites delegations' views on this approach.

- In light of comments received on 3 September, the Presidency has removed references to a declaration in Articles 3(1)(b) and 3(2)(a)(ii) in order to align the text with Directive (EU) 2021/555 and in response to requests from Member States.

Article 3(2)

- The Presidency has made minor technical changes to this paragraph.
- In Article 3(2)(a)(iii), the Presidency has introduced a reference to "[…] ***and failing to mark each elementary package of complete ammunition in contravention of an obligation to do so pursuant to Article 4(2) subparagraph 3 of Directive (EU) 2021/555"*** at the request of a delegation. This change has also been made to Article 3(2)(b)(ii).

PUBLIC

- The Presidency notes that the inclusion of 'sale, acquisition' in the scope of Article 3(2)(b) on trafficking is debated. The Presidency reintroduced these concepts on the basis that this is a different form of conduct to regular unlawful acquisition, as is covered in Article 3(1) given the element of trafficking. Moreover, 'sale' may be different to cross-border illicit trade as noted above. *The Presidency invites delegations to confirm if they want to include 'sale' and acquisition' in the scope of this offence?*
- In Article 3(2)(b)(i), a reference to Article 12 of Directive 2014/28 has been inserted, at the request of a delegation to ensure that ammunition comes within the scope of this provision. In addition, following a request from another Member State, more detailed references to the relevant *acquis* have been included in order to enhance legal clarity.

Article 3(3)

- The Presidency considers that there is sufficient support for retaining points (a), (b) and (c). The wording "without right or lawful authorisation" has replaced "without lawful authorisation" in points (a) and (b) to accommodate national systems that do not wish to establish a dedicated authorisation regime. On point (c), the wording has been amended to refer to making Blueprints "publicly available", which the Presidency considers to be clearer. Recital 15b has been amended to clarify that there are two approaches open to Member States when implementing this Article: establishing an authorisation system or defining categories of persons entitled to possess Blueprints under national law. Recital 15b also outlines certain minimum standards that should be taken into account before issuing an authorisation or considering that a cohort has a right to possess blueprints. It also clarifies what making available to the public entails. Further, following a request from clarity from some delegations as to the need for both points (b) and (c) in this Article, the Presidency has introduced an explanation in this recital to outline that point (c) can bring Blueprints into the scope of the Digital Services Act.

PUBLIC

Article 3(4)

- Paragraph 4 has been amended to clarify that MS may choose to not criminalise the failure to declare a Category C firearm where the delay does not exceed 3 months.
- Following comments from MS, Recital 12b has been amended to reflect that firearms are classified based on the level of danger they pose and that MS are allowed to show some flexibility in relation to the failure to declare a Category C firearm. It allows MS to determine in accordance with national law, rules on penalties where a person has failed to declare a single Category C firearm to the national authorities within a three-month period dating from the acquisition of such a firearm.
- The Presidency asks MS to confirm their agreement of this minor offence carve-out. If this is not the case, MS are asked to indicate whether they consider that paragraph 4 should be deleted?

Article 3(5)

- The text has been amended to remove 'in nature'. A second paragraph has been added to clarify that conduct can only be considered to be minor when it concerns acquisition and possession of a limited amount of ammunition for firearms of Category C. Recital 12a has also been amended to more clearly set out where Member States may apply such an exemption.

Article 5

- The penalty for 'failing to mark a firearm or essential components, or ammunition at the time of manufacture in contravention of an obligation to do so pursuant to Article 4(1)(a), 2 and 3 of Directive (EU) 2021/555' has been reduced from 5 years to 1 year.

Article 6

- The Commission has recently published a paper which details a number of cases relevant to the lack of supervision or control by a leading person. The Presidency deleted paragraph 2 at the request of the majority of MS. The Presidency now asks, that on foots of the information received from the Commission, should the article remain deleted?

Article 7

As a consequential amendment following the above changes to Article 5, the penalty level for labelling infringements for legal persons has been reduced and is now covered in Article 7(5)(a).

Annex

- The Presidency notes that discussions on the annex have been limited to date. Amendments have made based on comments received from MS. The Presidency asks if MS can accept the changes made or are further refinements required.

State of Play on remaining articles

The Presidency has sought to reflect the views expressed by delegations, including aligning a number of provisions with the Model Provisions where requested. On foot of comments received from Member States, the Presidency has also made a limited number of minor amendments to the various articles listed below:

Article 1

- At the request of a number of MS, 'acts' has been amended to 'conduct' and the conduct of 'illegal activities involving firearms' has been added.

Article 4

- Article 4 has been amended to align with model provisions.

Article 9

- As agreed at the meeting on 3 September, Article 9 has been deleted.

Article 11

- The Presidency considers the text of this article to be stabilised and does not think it warrants further discussion, however should MS have any issues, they can raise it at the meeting. At the request of a delegation, the Presidency has also added recital 31a to be read in conjunction with this Article.

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Article 12

- Article 12 has been amended to align with model provisions.

Article 14

- Article 14 has been amended to align with model provisions. At the request of a delegation, CEPOL has been added to Recital 36.

Article 15

- There was broad consensus on the operative text of Article 15 at our meeting on 3 September. Clarification on international cooperation has been added to Recital 35.

Article 17

- The Presidency has amended the end of paragraph 1 to ensure that seized firearm data is applicable to the firearm in question.

Articles for approval

The Presidency considers that discussions on these provisions have reached a sufficient degree of maturity. Therefore subject to any further comments from delegations, the Presidency does not intend to reopen detailed examination of Articles 1, 4, 8, 9, 10, 11, 12, 14, 15, 17, 19, 19a, 20, 21, 22 and 23. Should time allow on 23 September, attention is instead invited to comment on the limited number of outstanding issues identified below:

Article 13

This article has been amended to align with model provisions. The sole substantive addition is paragraph 2(d), which would allow Member States to establish jurisdiction where with the addition of paragraph 2(d) - the criminal offence is committed against one or more of its nationals or habitual residents. The Presidency invites delegations' views on whether this jurisdictional ground should be retained.

PUBLIC

Article 16

The Presidency proposes to delete the text in square brackets unless the Commission provides strong rationale for its inclusion.

Article 18

Amendments made in this Article were made under the Cyprus Presidency and the Presidency asks if delegations are happy with the substance of this Article?

PUBLIC

ANNEX

(revised text)

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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

PUBLIC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

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

Acting in accordance with the ordinary legislative procedure,

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(1) OJ L 308, 29.11.2022, p. 18.
(2) OJ C [...], [...], p. [...]

Whereas:

(1) Pursuant to Article 3 of the Treaty on the European Union (TEU), the Union is to offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.

(2) Firearms trafficking is an area of particularly serious crime as recognised in the Treaty on the Functioning of the European Union (TFEU), and is often committed within the framework of organised crime or in connection to terrorism. Preventing and combating firearms trafficking is a priority for the Union and the Member States.

(3) The rise in firearms trafficking and other firearms-related offences and their effects, which undermine the effectiveness of Union firearms law, is a matter of continuing concern in the Union. Such offences increasingly extend beyond the borders of the Member States in which they are committed. Such offences pose a threat to the Union citizens and therefore necessitate an appropriate and effective response, which often requires effective cross-border cooperation.

(4) Illicit manufacturing of firearms includes the private manufacturing of firearms, essential components and ammunition using a 3D printer, Computer Numerical Cutting (CNC) metal milling machine or similar computer-operated system, without an authorisation as dealer. Blueprints are an essential prerequisite for this type of production. Blueprint-based illicit manufacturing is becoming an increasingly important source of firearms for use by organised crime and terrorism, producing firearms that are unknown and untraceable from the outset.

PUBLIC

(5) In accordance with Council Decision 2001/748/EC[3] the Commission signed the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (the 'UN Firearms Protocol'). The Union ratified the UN Firearms Protocol by Council Decision 2014/164/EU[4].

(6) Article 5 of the UN Firearms Protocol requires States Parties to criminalise illicit manufacturing of firearms, illicit trafficking of firearms, falsifying or illicitly obliterating, removing or altering the markings on firearms, attempting to commit or participate in one of those criminal offences, and organising, directing, aiding, abetting, facilitating or counselling the commission of those criminal offences.

(7) Directive (EU) 2021/555 of the European Parliament and of the Council[5] only permits the manufacture, trade, exchange, hiring out, repair, modification or conversion of firearms or essential components, and the manufacture, trade, exchange, modification or conversion of ammunition if a specific dealer authorisation is granted. That Directive also only allows the negotiation or arrangement of transactions for the purchase, sale or supply of firearms, essential components or ammunition, and arranging the transfer of firearms, essential components or ammunition if a specific broker authorisation is granted.

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

[4] Council Decision 2014/164/EU of 11 February 2014 on the conclusion, on behalf of the European Union, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (OJ L 89, 25.3.2014, p. 7, ELI: http://data.europa.eu/eli/dec/2014/164/oj).

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

(7a) The requirement to obtain authorisations or declarations referred to in this Directive may be mandated by virtue of applicable Union firearms acquis. The acquis should be understood to include national legislation introduced for the purpose of transposing applicable Union rules. However, it should not be understood to include national legislation which has been introduced on a domestic legal basis and not for the purpose of transposing applicable Union legislation.

(7b) The illicit manufacturing or assembly of firearms, their essential components or ammunition should be criminalised, in accordance with the modalities set out in this Directive. Purely private, non-commercial activities, such as hand-loading and reloading of ammunition from ammunition components for own use, or modifications of firearms or essential components owned by the person concerned, such as changes to the stock or sight, or maintenance to address wear and tear of essential components, should not be considered to be activities that only a dealer would be permitted to undertake. The criminalisation of breaches of a requirement for a lawful authorisation should therefore not extend to purely private, non-commercial activity for a person's individual use.

(7c) When considering the application of the criminalisation of the failing to mark a firearm or essential component, Members States are encouraged to consider the broader context of Article 4(2) and (3) of Directive 2021/555.

PUBLIC

(7d) This Directive establishes certain minimum rules concerning the definition of criminal offences and sanctions. As part of this, the Directive provides for certain forms of conduct to be criminalised. The Directive does not preclude further offences being provided for in national law, including when they sanction the violation of national legislation.

(8) Directive (EU) 2021/555 only permits the acquisition and possession of firearms in specific circumstances and requires Member States to lay down rules on penalties applicable to infringements of the national provisions adopted pursuant to Directive (EU) 2021/555. Directive (EU) 2021/555 allows Member States to adopt a legislation more stringent than that Directive.

(9) Regulation (EU) 2025/41 of the European Parliament and of the Council[(6)] only permits the import, export and transit of firearms, essential components and ammunition if a specific authorisation is granted.

(10) In order to ensure the integrity of the internal market within the Union in line with Directive (EU) 2021/555 and Regulation (EU) 2025/41, while also achieving a high level of security within the area of freedom, security and justice, and having regard to the UN Firearms Protocol, it is necessary to establish minimum rules concerning the definition of firearms-related criminal offences and penalties for the effective enforcement of those instruments.

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

(11) In the context of those instruments, illicitly reactivating deactivated firearms should be considered as illicit manufacturing as the reactivation done without the required authorisation under Directive (EU) 2021/555 involves a manipulation which is considered as manufacturing. Illicit brokering of firearms should be considered as illicit firearms trafficking as the prerequisite for trade is having a license as a broker, in accordance with Directive (EU) 2021/555. Illicit dealing should be considered as, either, illicit firearms trafficking or illicit manufacturing or both as the prerequisite for both manufacturing and trade is having a license as dealer in accordance with Directive (EU) 2021/555. Violation of an arms embargo should be considered as illicit firearms trafficking as exports towards countries under arms embargoes should not be granted an authorisation. The lack of an authorisation is an essential element in the definition of firearms trafficking.

(12) The rights of citizens who legally possess, use, manufacture and trade firearms, essential components or ammunition in accordance with Directive (EU) 2021/555 and Regulation (EU) 2025/41 should not be affected.

(12a) The mere possession of negligible quantities of ammunition, such as a very small number of cartridges, may in certain circumstances be of a trivial or incidental nature and does therefore not warrant criminal prosecution. The same applies to possession of ammunition possessed solely for harmless purposes. This may occur , for example, where a person lawfully disposes of a firearm which they previously owned lawfully, and the person fails to dispose of a negligible quantity of ammunition of that firearm. . It is therefore appropriate to allow Member States to exclude minor offences involving ammunition from criminal liability, provided that the conduct does not pose a risk to public safety. However, this exemption should not apply where specific circumstances indicate that the conduct is connected to criminal activity or otherwise entails a risk. Such circumstances may include, for example, situations where ammunition is discovered in environments associated with illegal activities, including drug-related premises or comparable contexts.

PUBLIC

(12b) Directive (EU) 2021/555 determines categories of firearms whose acquisition and possession by private persons are prohibited, subject to authorisation, or subject to declaration. This varied approach to the acquisition and possession of firearms is based on the level of danger posed by a firearm. For the most dangerous firearms, classified under Category A, strict rules are laid down in that Directive to ensure that such firearms are, with some limited and duly reasoned exceptions, not allowed to be acquired, possessed or traded. Directive (EU) 2021/555 also provides that it is lawful for a person to possess a firearm classified in Category C only if that person has declared it to the national authorities where the firearm is held. It is essential for the objectives of that Directive that Member States enforce this obligation, including through the imposition of effective, proportionate and dissuasive penalties. Nonetheless, it would not be proportionate if Member States were required to create a criminal offence for each and every failure to declare a Category C firearm. It is therefore appropriate that Member States, in accordance with national law, lay down the rules on penalties where a person has failed to declare a single Category C firearm to the national authorities within a three-month period dating from the acquisition of such a firearm.

PUBLIC

(13) New technologies enabling the private manufacturing of firearms, essential components and ammunition, such as 3D printing, also called additive manufacturing, have emerged during the last years and are becoming increasingly more accessible and affordable. This technology relies on digital blueprints which can be downloaded, distributed and used to illicitly produce firearms. Taking into account the evolution of the threat, and in accordance with the recommendations made in UN Resolution 12/3[7] adopted at the 12th session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime held in Vienna from 14 to 18 October 2024, the possession, accessing, distribution and creation of blueprints should be criminalised in all Member States **where certain conditions are not fulfilled.**

(14) Particular emphasis should be placed on **the threat posed by** ~~dissemination of~~ blueprints **being provided or made available by supplying them for distribution or use by others.** ~~due to its inherently expansive nature~~. Once a blueprint is shared online, it rapidly becomes uncontrollable, creating a cycle where it is copied and spread across numerous platforms, evading traditional oversight.

(15) Additive manufacturing methods, such as 3D printing, can be a valuable driver for industrial production and innovation. Any restrictions in terms of its use, should not affect the legitimate use by the firearms dealers authorised through in accordance with Directive (EU) 2021/555 or other authorised legal or natural persons. It should not target the research and innovative development of the sector.

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

(15a)[1] **Member States should only be obliged to criminalise the unauthorised creating, acquiring, possessing, and sharing of blueprints that are designed for the manufacturing of live-firing firearms, essential components or ammunition. Member States may decide to create dedicated authorisations for natural and/or legal person to engage with these blueprints in a legal manner. This is especially important to allow research institutions and the firearms industry to further develop additive manufacturing production methods. Member States may cooperate to facilitate the joint testing of blueprints and the mutual recognition of the results of these tests.**

[1] Former footnote 37.

PUBLIC

(15b) **Member States can choose either to implement an authorisation system or define certain cohorts of persons in accordance with national law who are entitled to create, acquire, possess or make available a blueprint to a person. Where Member States choose to operate an authorisation system, they could establish that an appropriate form of lawful authorisation, for example, that of a dealer as issued pursuant to Article 4(4) of Directive 2021/555, or other forms of authorisations issued in accordance with national law, automatically constitute a lawful authorisation in respect of this Directive. Alternatively, Member States could establish a distinct authorisation for the purposes of creation, acquisition, possession or making available blueprints to a person. Member States could also choose to provide for certain cohorts of persons who are entitled to create, acquire, possess or make available a blueprint in accordance with national law. Where Member States choose this approach, they could consider including authorised dealers, research institutions and public authorities as having the right to create, acquire, possess or make available a blueprint to a person. Regardless of the system that Member States choose to implement in respect of Blueprints, in determining the criteria for the issuance of such an authorisation, or the granting of such a right, Member States could give consideration, for example, to the desired purpose for the blueprint and whether a risk could be caused to society by virtue of the granting of such an authorisation. Moreover, Member States could also give consideration to ensuring that persons who have an authorisation or right to create, acquire, possess or make available a blueprint, face similar obligations as those set out in Article 4(4) of Directive 2021/555 in respect of dealers, for example, that as a matter of course, such persons should be subject to private and professional integrity controls. The making available of blueprints to the wider public should be criminalised. Member States could thereby have regard to whether the blueprint was uploaded to a domain or platform to which members of the public can easily access. The prohibition on making Blueprints available to the public brings Blueprints within the scope of 'illegal content' in accordance with Article 3(h) of Regulation 2022/2065.**

PUBLIC

(16) Penalties and measures should be provided for natural and legal persons being liable for such offences, which reflect the seriousness of such offences, and should be effective, dissuasive and proportionate.

(17) To that end, minimum levels for the maximum term of imprisonment should be set for natural persons. In view of the potential harm that a firearm can cause, which includes serious injury and death, and of the long lifespan of firearms, it is appropriate to set minimum levels that reflect the risk to life associated with firearms-related offences and that are proportionate to the specific risk, the seriousness and the degree of illegality of the offence. The maximum terms of imprisonment provided for in this Directive for the criminal offences committed by natural persons should apply at least to the most serious forms of such offences. This Directive does not set any requirements for the minimum level of penalties that Member States should apply beyond the need to ensure that penalties must be effective, dissuasive and proportionate overall.

(18) Given that legal persons are also subject to Union firearms legislation, such legal persons should be held liable for offences related to the violation of Union firearms legislation as defined and provided for in this Directive. With regard to criminal offences and penalties defined in this Directive, the term ‘legal persons’ should be understood as any legal entity having such status under the applicable national law, except for States or public bodies exercising State authority or public international organisations. As this Directive establishes minimum rules, Member States can adopt more stringent rules, including rules on criminal liability for public bodies.

PUBLIC

(19) To the extent that conduct constituting firearms trafficking and other firearms-related criminal offences is attributable to legal persons, such legal persons should be held liable for such an offence only where all the constituent elements of the criminal offences set out in Article 3 are met. Liability should ensure accountability, prevent and dissuade further criminal offences. In order to achieve the objectives of this Directive, Member States ~~whose law provides for the criminal liability of legal persons~~ should ensure that their law provides for effective, dissuasive and proportionate types and levels of criminal penalties **as laid down in this Directive**. ~~In order to achieve the objectives of this Directive, Member States whose law does not provide for the criminal liability of legal persons should ensure that their law provides for effective, dissuasive and proportionate types and levels of non-criminal penalties.~~ To that end, minimum amounts for the maximum levels of fines should be set. The maximum levels of fines provided for in this Directive for the criminal offences should apply at least to the most serious forms of such offences, as specified by the Directive. The gravity of the conduct, as well as the individual, financial and other circumstances of the legal persons concerned, should be taken into account to ensure that the penalty imposed is effective, dissuasive and proportionate. Member States should be able to set the maximum levels of fines either as a percentage of the total worldwide turnover of the legal person concerned, or in fixed amounts. **Member States should decide which of those two options they will use, when transposing this Directive.**

PUBLIC

(20) ~~When implementing in relation to~~ **Where Member States, in the determination of** fines to be imposed on legal persons**, opt to implement** the criterion of the total worldwide turnover ~~in relation to~~ **of a legal person,** ~~Member States~~ **they** should decide whether to calculate that turnover based on the business year preceding that in which the criminal offence was committed, or on the business year preceding that of the decision to impose the fine. ~~This should be left at the discretion of the judiciary.~~ Member States should also consider providing for rules for cases where it is not possible to determine the amount of a fine on the basis of the total worldwide turnover of the legal person in the business year preceding that in which the criminal offence was committed, or in the business year preceding that of the decision to impose the fine. In such cases, Member States should be able to take into account other criteria, such as total worldwide turnover in a different business year. **Where those rules include the setting of fixed amounts of fines, it should not be necessary for the maximum levels of those amounts to reach the levels established in this Directive as the minimum requirement for the maximum level of fines set in fixed amounts.**

(21) Firearms have a long lifespan. Once they are diverted to the illegal market, they can cause damage for decades. Therefore, the standard percentage rates for fines linked to worldwide turnover, used in internal market instruments, should not apply for these crimes.

PUBLIC

(22) **Where** Member States **opt for a** ~~should lay down in national law the~~ maximum level of fines set in fixed amounts**, such levels should be laid down in national law**. The highest levels of such fines should apply to the most serious forms of criminal offences committed by legal persons of financial strength. Member States should be able to determine the method of calculation of those highest levels of fines. Member States are **invited to** ~~should take measures to ensure~~ regular**ly** review the levels of fines set in fixed amounts having regard to rates of inflation and other fluctuations in monetary value, in accordance with procedures laid down in their national law. Member States that do not have the euro as their currency should provide for maximum levels of fines in their currency that correspond to the levels determined in this Directive in euro on the date of its entry into force. Those Member States should regularly review the levels of fines also with regard to the development of the exchange rate.

(23) The establishment of the minimum amount for the maximum level of fines in the Directive should not affect the discretion of judges or courts in criminal proceedings to impose appropriate penalties in individual cases. As this Directive does not **establish any** ~~impose any requirement concerning the~~ minimum level of fines ~~set in national law for firearms-related offences committed by legal persons~~, the judges or courts should, in any case, impose appropriate penalties taking into account the individual, financial and other circumstances of the legal person concerned and the gravity of the conduct.

(24) ~~To ensure complete accountability,~~ **T**he fact that legal persons are held liable under this Directive should not preclude criminal proceedings being taken against natural persons who commit, incite or are accessories to the criminal offences defined in this Directive. Where the conditions for criminal liability are met, such natural persons should be understood to include corporate board members.

(25) Penalty levels imposed should be further approximated and the effectiveness of such levels should be fostered through introducing common aggravating circumstances that reflect the gravity of the criminal offence committed. The notion of 'aggravating circumstances' should be understood either as facts enabling the judge to pronounce more severe sentences for the same criminal offence than the sentence normally imposed without such facts, or as the possibility to treat several criminal offences cumulatively in order to increase the level of penalty. Therefore, Member States are not obliged to provide for specific aggravating circumstances where national law already provides for separate criminal offences that can lead to more severe penalties.

(26) Member States should ensure that at least one of the aggravating circumstances provided for in this Directive is provided for as a possible aggravating circumstance in accordance with applicable rules in their legal system. In any case, it should remain within the discretion of the judge or the court to determine whether to increase or to decrease the sentence, taking into account the specific circumstances in each individual case.

~~(27) When a high number of firearms is discovered during an investigation, this should be considered an aggravating circumstance. To that end, Member States should have a common understanding of what a high number of firearms means.~~

(28) Accessory penalties or measures other than financial penalties are often **seen as being** more effective than **financial penalties**, especially for legal persons. Accessory penalties or measures ~~other than financial penalties~~ could therefore be available in the relevant proceedings. Those penalties or measures could include the exclusion from certain benefits or funding, the withdrawal of permits and authorisations to pursue activities, the confiscation of firearms (regardless whether held legally or illegally), the withdrawal or refusal of the firearms authorisation, deprivation of rights linked to the possession and use of firearms, and prohibition to engage in certain professional activities. This **is without prejudice to** ~~should not affect~~ the discretion of judges or courts in criminal proceedings to impose appropriate penalties in individual cases.

PUBLIC

(29) This Directive should apply without **prejudice to** ~~affecting~~ the general rules and principles of national criminal law on the sentencing or the execution of sentences in accordance with the specific circumstances in each individual case. It should be possible for Member States to determine the most appropriate types of accessory penalties or measures. In particular, if the withdrawal of permits and authorisations to pursue activities that resulted in the relevant criminal offence can be imposed as a penalty under national law, Member States should ensure that judges or courts are able to either impose such a penalty themselves or that another competent authority is informed and can act in accordance with national procedural rules.

PUBLIC

(30) To ensure effective investigations and prosecution of firearms trafficking and other firearms-related criminal offences, **Member States should make available to competent authorities** ~~those responsible for investigating or prosecuting such offences should have the possibility to make use of~~ effective investigative tools such as those **available under their national law for** combatting organised crime or other serious criminal offences, if and to the extent that the use of those tools is appropriate and proportionate to the nature and gravity of the criminal offences as provided for in national law**. Such tools could include the interception of communications, covert surveillance, including electronic surveillance, controlled deliveries, the monitoring of bank accounts and other financial investigation tools.** ~~which are used. Such tools should, where appropriate, include, for example, the search of any personal property, the interception of communications, covert surveillance including electronic surveillance, the taking and the keeping of audio recordings, in private or public vehicles and places, and of visual images of persons in public vehicles and places, controlled deliveries, and financial investigations.~~ **Those tools must be used in line with the principle of proportionality and in full respect of the Charter. It is imperative that the right to the protection of personal data be respected.**

(31) Member States should be able to take all the necessary measures in accordance with Directive (EU) 2024/1260 of the European Parliament and of the Council[(8)]. To ensure terminological consistency with other firearms legislative instruments such as the UN Protocol and the Firearms Regulation, the term "seizure" should be used in this Directive. In the context of seizing firearms, essential components and ammunition, ‘seizing’ should be understood as ‘freezing’ as outlined in Directive (EU) 2024/1260. This is without prejudice to Member States which are not bound by Directive (EU) 2024/1260.

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

(31a) Member States are permitted to put seized and confiscated firearms, essential components and ammunition to other lawful uses, rather than requiring their destruction in all cases. For example, Member States can choose to provide such firearms to law enforcement agencies.

(32) In order to ensure that the competent authorities have sufficient time to conduct complex investigations and prosecutions, Member States should lay down rules concerning limitation periods necessary to combat firearms offences effectively, without **prejudice to** ~~affecting~~ national rules that do not set limitation periods for investigation, prosecution and enforcement. ~~As a general rule, a limitation period runs from the point in time the criminal offence was committed. However, as this Directive establishes minimum rules, Member States can provide for the limitation period to start later, namely from the point in time the criminal offence was detected, provided that such point in time of detection is clearly determined in accordance with national law. Member States are permitted under this Directive to establish limitation periods shorter than those laid down in this Directive, provided that in their legal systems it is possible to interrupt or suspend such shorter limitation periods in the event of acts which can be specified in accordance with national law.~~

PUBLIC

(33) Given, in particular, the mobility of offenders, together with the cross-border nature of criminal offences defined in this Directive and the possibility of cross-border investigations being carried out, Member States should establish jurisdiction in order to combat such offences effectively. Where a criminal offence falls within jurisdiction of more than one Member State, the Member States concerned should cooperate to determine which Member State is best placed to prosecute, including via Eurojust's assistance on the basis of Regulation (EU) 2018/1727 of the European Parliament and of the Council[9]. A given Member State should establish jurisdiction over criminal offences committed on board a ship or an aircraft registered in that Member State, or flying its flag, taking into account related standards under relevant international conventions.

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

(34) Lack of resources and enforcement powers for national authorities which detect, investigate, prosecute or adjudicate firearms-related criminal offences creates obstacles for the effective prevention and sentencing of those offences. In particular, the shortage of resources is capable of preventing authorities from taking any action or of limiting their enforcement actions, allowing offenders to escape liability or to receive a sentence that does not correspond to the gravity of the criminal offence. ~~Member States should ensure that national authorities which detect, investigate, prosecute or adjudicate firearms-related criminal offences have a sufficient number of qualified staff and sufficient financial, technical and technological resources for the effective performance of their functions related to the implementation of this Directive. They should also ensure the adequate level of specialisation of those authorities in the area of firearms-related criminal offences, in accordance with national law.~~ Therefore, ~~Member States should establish~~ minimum criteria concerning resources and enforcement powers **should be established**. ~~In this context, account should be taken of the constitutional traditions and of the structure of the legal system of Member States, as well as other national circumstances.~~

PUBLIC

(35) The establishment or designation of National Firearms Focal Points is an essential tool for cross-border cooperation as recognised in policy instruments. Each Member State should therefore establish such a National Firearms Focal Point tasked with similar responsibilities. The main aim is to provide a comprehensive approach to the integral control of firearms. This should be done**, in accordance with national law,** at a strategic and operational level by means of a co-ordinated collection, analysis and sharing of information to enhance the knowledge of the threats, and to better inform national law enforcement agencies. The National Firearms Focal Point can also be the national body of single point of contact referred to in Article 13 of the UN Firearms Protocol. **International cooperation in the context of National Firearms Focal Points should not be understood as the performance of international judicial cooperation tasks. Rather, such international cooperation can include, for example, communication between National Firearms Focal Points with a view to supporting each other in functioning of the tasks set out in this Directive and attendance at relevant international meetings. Member States are encouraged to ensure that National Firearms Focal Points have access to national and international databases for the corresponding exchange of information, including the duties established in this Directive. Member States have discretion in respect of the organisational structure of National Firearms Focal Points. Member States can choose, for example, whether National Firearms Focal Points operate within an existing organisation, as part of a dedicated unit, department or centre, or as their own organisation.**

PUBLIC

(35a) National Firearms Focal Points are encouraged to support criminal investigations within the limitations of applicable legislation and with emphasis on the tracing of weapons. Supporting investigations from a criminal law perspective and supporting the tracing of weapons are both important but differ from each other. While both are investigative measures, supporting investigations from a criminal law perspective aims to secure robust evidence thereby ensuring effective investigations and increased prosecutions – whereas the primary purpose of weapons tracing is to identify connections which are relevant not only for investigations but also for intelligence purposes.

PUBLIC

(36) The cross-border nature of firearms trafficking and other firearms-related criminal offences requires a strong coordinated response and cooperation within and between the Member States. **In accordance with applicable rules, Member States should also cooperate through Union agencies, in particular Eurojust and Europol, as well as with Union bodies in their respective areas of competence, including CEPOL. Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, such cooperation should be provided to ensure effective action against the criminal offences defined in this Directive, and include technical and operational assistance provided, where appropriate, by Eurojust to the national competent authorities as needed by those authorities to coordinate their investigations.** ~~, as well as with and among the relevant Union agencies and bodies to counter firearms trafficking, including Eurojust, the European Union Agency for Law Enforcement Cooperation (Europol) established by Regulation (EU) 2016/794 of the European Parliament and of the Council[10], and the European Public Prosecutor's Office, within their respective competences and in accordance with the applicable legal framework, and with neighbouring countries, in particular enlargement partners. To that end, efficient use of the available tools and resources for cooperation should be made, such as joint investigation teams and coordination meetings facilitated by Eurojust.~~ The global character of firearms trafficking and other firearms-related criminal offences necessitates an international answer, requiring the Union and its Member States to strengthen cooperation with relevant third countries. A strong coordinated response and cooperation is also necessary with a view to securing and obtaining electronic evidence.

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

~~(37)[2] Member States should only criminalise the unauthorised creating, acquiring, possessing, and sharing of blueprints that are designed for the manufacturing of live-firing firearms, essential components or ammunition. Member States may decide to create dedicated authorisations for natural and/or legal person to engage with these blueprints in a legal manner. This is especially important to allow research institutions and the firearms industry to further develop additive manufacturing production methods. Member States may cooperate to facilitate the joint testing of blueprints and the mutual recognition of the results of these tests.~~

(38) The implementation of criminal law measures adopted under this Directive should be proportional to the nature and circumstances of the criminal offence, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness, racism or discrimination.

(39) To effectively address the criminal offences defined in this Directive, it is necessary that competent authorities in the Member States collect accurate, consistent and comparable statistical data on those offences. Member States should therefore ensure that an adequate system is in place for the recording, production and transmission of existing statistical data on the criminal offences defined in this Directive. In order to facilitate the sharing of data with Europol on seized firearms, Europol is encouraged to ensure that Member States are able to upload data in an efficient and user-friendly manner. Member States should nevertheless remain free to retain their existing national seizure databases or to make direct use of the database provided by Europol.It is important that this statistical data is used by Member States to serve the strategic and operational planning of enforcement activities, to analyse the scale of and trends in those offences, as well as for providing information to citizens.

[2] This footnote has been moved to recital 15a.

(40) To develop a comprehensive picture of the threat pertaining to firearms-related criminal offences and guide policy making in a timely manner, Member States should transmit **relevant** statistical data on those offences**, extracted from data that already exist at a centralised or decentralised level within the whole Member States,** to the Commission six years following transposition, and every five years thereafter.

(41) Data on seizures of firearms should be available in a Union repository to facilitate cooperation between Member States, in particular cross-border investigations, prosecutions and convictions of firearms-related offences.

(42) In order to ensure that the most relevant statistical data are collected, developed, produced and disseminated, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission to amend the Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[(11)]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(43) Directive (EU) 2024/1260 is already applicable to the UN Firearms Protocol. As this Directive implements the UN Firearms Protocol and supplements it, the scope of the Asset Recovery Directive should be amended to also include this Directive. This is without prejudice to Member States which are not bound by Directive (EU) 2024/1260.

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

(44) Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the need for Union-wide harmonised rules, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(45) This Directive respects the fundamental rights, specifically Article 16 and 17 of the Charter on fundamental rights of the EU, respectively referring to the freedom to conduct a business and recognising the right to property. Furthermore, this Directive observes the principles as recognised in particular by the Charter, including the protection of personal data, the freedom of expression and information, the freedom to conduct a business, the right to an effective remedy and to a fair trial, the presumption of innocence and right of defence, the principles of legality and proportionality of criminal offences and penalties, and the right not to be tried or punished twice in criminal proceedings for the same offence. This Directive seeks to ensure full respect for those rights and principles and should be implemented accordingly.

(46) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

(47) ~~[In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.] OR~~ [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, Ireland has notified, **by letter of 22 June 2026**, its wish to take part in the adoption and application of this Directive.]

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter and scope

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

This Directive applies to intentional conduct involving illicit firearms, and to illegal activities involving firearms, and does not affect the existing Union rules on legal acquisition, possession, manufacture, trade and cross-border movements of firearms.

Article 2

Definitions

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

1. 'firearm' means a firearm as defined in Article 1(1), point (1), of Directive (EU) 2021/555;

2. 'essential component' means an essential component as defined in Article 1(1), point (2), of Directive (EU) 2021/555;

3. 'ammunition' means ammunition as defined in Article 1(1), point (3), of Directive (EU) 2021/555;

4. 'blueprint' means digital technical design files capable of being used with, or which can be recognised by appropriate software by a 3D printer, a Computer Numerical Cutting (CNC) metal milling machine or similar computer-operated system for the purpose of manufacturing firearms, essential components or ammunition;

~~5. 'disseminating' means making available to the public;~~

6. 'legal person' means any entity having legal personality under applicable national law, except for States or public bodies in the exercise of State authority and for public international organisations;

7. 'seized firearm' means the temporary prohibition of the transfer, destruction, conversion, disposal or movement of firearms, essential components or ammunition or temporarily assuming custody or control of property.

Article 3

Firearms-related criminal offences

1. **In respect of the following**

(i) firearms and essential components of category A or B as listed in Annex I of Directive (EU) 2021/555;

(ii) firearms and essential components of category C as listed in Annex I of Directive (EU) 2021/555; and

(iii) ammunition,

Member States shall ensure that ~~any of~~ the following conduct constitutes a criminal offence ~~irrespective of whether it was committed online or offline~~, **when committed intentionally:**

(a) acquisition or possession of firearms, essential components and ammunition in contravention of a requirement for authorisation or declaration **pursuant** to ~~without authorization or declaration in accordance with~~ **Articles 9, 10, 11 or Article 13(1) of** Directive (EU) 2021/555[3]**;** ~~or~~

(b) trading firearms, essential components or ammunition in contravention of a requirement for a **licence or authorisation pursuant to Article 4(4) of Directive 2021/555.**

[3] See recitals 7a and 12b.

2. Member States shall ensure that any of the following conduct constitutes a criminal offence, when committed intentionally:

(a) the manufacturing or assembly of firearms, essential components or ammunition carried out under any of the following circumstances:

(i) from any essential component of such firearms illicitly trafficked as set out in (b); or

(ii) **in contravention of a requirement for authorisation** ~~or declaration imposed~~ **pursuant** to Article 4**(4)** of Directive (EU) 2021/55 ~~by a competent authority of the Member States where the manufacture or assembly takes place~~; or[4]

(iii) ~~without marking~~ **failing to mark a** firearm~~s~~ or essential component~~s~~, or ammunition ~~at the time of manufacture~~ **in contravention of an obligation to do so** pursuant to Article 4(1)(a) of Directive (EU) 2021/555 **and failing to mark each elementary package of complete ammunition in contravention of an obligation to do so pursuant to Article 4(2) subparagraph 3 of Directive (EU) 2021/555** [5];

(b) firearms trafficking, meaning the import, export~~,~~ acquisition, sale, ~~delivery, movement~~ or transfer of firearms, essential components or ammunition from or through the territory of one Member State~~, or third country,~~ to ~~that of~~ another Member State ~~or third country~~, **one Member State to a third country, or third country to a Member State,** carried out under any of the following circumstances:

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4 See recitals 7a and 7b.

5 See recitals 7a and 7c.

(i) any of the Member States or third countries concerned does not authorise it in accordance with **Article 12 of Directive (EU) 2014/28, Article 16 or 17 of** Directive (EU) 2021/555, **Article 9 or 19 of** Regulation (EU) 2025/41, **Article 10 of** the UN Firearms Protocol ~~or applicable national laws~~; or

(ii) the firearms, essential components or ammunition are not marked **where such marking(s) are required by virtue of an obligation** ~~imposed~~ **pursuant to** ~~in accordance with~~ Article 4**(1)** of Directive (EU) 2021/555, **or failing to mark each elementary package of complete ammunition in contravention of an obligation to do so pursuant to Article 4(2) subparagraph 3 of Directive (EU) 2021/555,** or Article 6 **or 21(3)** of Regulation (EU) 2025/41;

(c) **the** falsifying or illicitly obliterating, removing or altering ~~the~~ **of any** marking(s) on firearms, essential components, or ammunition **where such marking(s) are required by virtue of an obligation imposed pursuant to Article 4(1)(a), 2 and 3 of Directive (EU) 2021/555 or Article 6** ~~or 21(3)~~ **of Regulation (EU) 2025/41**.

3. Member States shall ensure that any of the following conduct constitutes a criminal offence, when committed intentionally[6]:

(a) creation, acquisition or possession ~~or privately sharing~~ of a blueprint without **lawful authorisation or without right in accordance with national law;**

(b) ~~Dissemination of~~ **providing a** blueprint **to any person** knowing that the **person in question is not authorised or does not have a right in accordance with national law**~~does not have lawful authorisation~~ **to possess that blueprint** ~~bluperisnts may be used for the purpose of committing any of the offences referred to in points (a), (b), (d) and (e)~~; or

6 See recital 15.

(c) **making** ~~available~~ **a blueprint** ~~to the~~ **publicly available** ~~at large.~~

~~2. Member States shall ensure that the conduct referred to in paragraph 1 point (f), also constitutes a criminal offence where it is committed with at least serious negligence.~~

4. Member States may decide not to apply paragraph 1(a) where a person has failed to declare a firearm or a component classified in category C listed in Annex I to Directive (EU) 2021/555 within 90 days of acquisition.

5. Member States may decide not to apply paragraph 1(iii) in respect of paragraph 1(a) where the conduct is minor.

Conduct can only be considered as minor when it concerns the acquisition and possession of a limited amount of ammunition for firearms classified in category C listed in Annex I to Directive (EU) 2021/555.

Article 4

Inciting, aiding and abetting, and attempting

1. Member States shall ensure that inciting, and aiding and abetting, the commission of a ~~a~~ criminal offence **covered by** ~~referred to in~~ Article 3 is punishable as a criminal offence~~, irrespective of whether it was committed online or offline~~.

2. Member States shall ensure that an attempt to commit a criminal offence **covered by** ~~referred to in~~ Article 3 is punishable as a criminal offence~~, irrespective of whether it was committed online or offline~~.

PUBLIC

Article 5

Penalties for natural persons

1. Member States shall ~~take the necessary measures to~~ ensure that **where a natural person commits an offence** ~~the criminal offences~~ **covered by** ~~referred to in~~ Articles 3 and 4, **the criminal offence is** ~~are~~ punishable by effective, proportionate and dissuasive criminal penalties.

2. Member States shall ~~take the necessary measures to~~ ensure that:

   (a) the criminal offences **covered by** ~~referred to in~~ Article 3(~~1~~**2**), points (a) **(i) and (ii)** and (b) (i) are punishable by a maximum penalty of imprisonment of at least **five** ~~eight~~ years;

   ~~(b) the criminal offence referred to in Article 3(1), point (c), is punishable by a maximum term of imprisonment of at least four years;~~

   (c) the criminal offence**s** **in respect of** ~~referred to in~~ ~~Article 3(1), point (d)~~**, Article 3(1)(i) covered by Article 3(1) points (a) and (b), Article 3(2) point (c), and Article 3(3)** ~~is~~ **are** punishable by a maximum penalty of imprisonment of at least **two** ~~five~~ years.

   (d) the criminal offences **in respect of Article 3(1)(ii) and (iii) covered by Article 3(1) points (a) and (b), and Article 3(2), point (a) (iii) and point (b)(ii)** are punishable by a maximum penalty of imprisonment of at least **one** year.

   ~~(d) the criminal offences referred to in Article 3(1), points (e) and (f), are punishable by a maximum term of imprisonment of at least two years.~~

PUBLIC

3. Member States shall ensure that natural persons who have committed the criminal offences **covered by** ~~as referred to in~~ Articles 3 and 4 may be subject to **other** ~~accessory~~ criminal or non-criminal penalties or measures **which may** ~~including~~ **include** the following:

(a) fines that are proportionate to the gravity of the conduct and to the individual financial and other circumstances of the natural person concerned and, where relevant, that are determined taking due account of the gravity and duration of the damage caused;

(b) exclusion from access to public funding, including tender procedures, grants, concessions and licences;

(c) disqualification from holding, within a legal person, a leading position of the same type used for committing the criminal offence;

(d) withdrawal of permits and authorisations to possess and use any firearm, essential component or ammunition;

(e) temporary bans on running for public office;

(f) where there is a public interest, following a case-by-case assessment, publication of all or part of the judicial decision that relates to the criminal offence committed and the penalties or measures imposed, **without prejudice to the rules on privacy and the protection of** ~~which may include the~~ personal data ~~of convicted persons only in duly justified exceptional cases~~.

PUBLIC

Article 6

Liability of legal persons

1. Member States shall ensure that legal persons can be held liable for the criminal offences **covered by**~~referred to in~~ Articles 3 and 4 where the criminal offences have been committed for the benefit of those legal persons by a **natural** person who has a leading position therein (the 'leading person') and who acts individually or as part of an organ of that legal person on the basis of any of the following:

   (a) a power of representation of the legal person;

   (b) an authority to take decisions on behalf of the legal person; **or**

   (c) an authority to exercise control within the legal person.

~~2. Member States shall ensure that legal persons can be held liable for criminal offences referred to in Articles 3 and 4 where the lack of supervision or control by a leading person has made possible, by a person under their authority, the commission of a criminal offence referred to in Articles 3 and 4, for the benefit of that person, a third person, or that legal person.[7]~~

3. ~~The l~~**L**iability of legal persons under paragraph 1 shall not preclude criminal proceedings against natural persons who commit, incite or are accessories to the criminal offences **covered by** ~~referred to in~~ Articles 3 and 4.

[7] Paragraph 2 of Article 6 has been provisionally deleted. If evidence for its added value in the context of this Directive is presented by the Commission, the examination of the paragraph may be reopened.

Article 7

Penalties for legal persons

1. Member States shall ensure that where a legal person is held liable pursuant to Article 6(1), the criminal offence is punishable by effective, proportionate and dissuasive criminal or non-criminal penalties or measures.

2. Effective, proportionate and dissuasive criminal or non-criminal penalties or measures **shall**~~may~~ include criminal or non-criminal fines and ~~shall~~**may** include **other** ~~accessory~~ criminal or non-criminal penalties or measures, such as:

   (a) exclusion from entitlement to public benefits or aid;

   (b) exclusion from access to public funding, including tender procedures, grants and concessions;

   (c) disqualification from the practice of business activities;

   (d) withdrawal of permits and authorisations to pursue activities which have resulted in the criminal offence;

   (e) placing under judicial supervision;

   (f) judicial winding-up;

   (g) closure of establishments used for committing the criminal offence;

   (h) where there is a public interest, publication of all or part of the judicial decision relating to the criminal offence committed and the penalties or measures imposed, without **prejudice to** ~~affecting~~ the rules on privacy and the protection of personal data.

PUBLIC

3. Member States shall ensure that where a legal person is held liable pursuant to Article 6 for criminal offences **covered by** ~~referred to~~ Article 3, the criminal offence is punishable by criminal or non-criminal fines. The amount of such fines shall be proportionate to the gravity of the **conduct** ~~act~~ and to the individual, financial and other circumstances of the legal person **concerned.**

4. ~~Member States shall ensure that~~ **F**or criminal offences **covered by** ~~referred to in~~ Article 3(**2**), points (a) **(i) and (ii)** and (b) (i), **Member States shall ensure that** the maximum level of **such** ~~fines referred to in paragraph 3 of this Article~~ **fines** is not less than ~~one of the following amounts, whichever is higher~~:

   (a) **5**~~20~~% of the total worldwide turnover of the legal person, either in the business year preceding that in which the criminal offence was committed or in the business year preceding the decision to impose the fine; **or alternatively**

   (b) an amount corresponding to EUR **40 000 000** ~~million~~.

5. **For criminal offences covered by** ~~Member States shall ensure that for criminal offences referred to in Article 3(1)~~ **Article 3(1)(i) in respect of Article 3(1)(a) and (b), Article 3(2)(c), and Article 3(3)** ~~points (c) to (f)~~, **Member States shall ensure that** the maximum level of **such** fines ~~referred to in paragraph 3 of this Article~~ is not less than ~~one of the following amounts, whichever is higher~~:

   (a) **2**~~10~~% of the total worldwide turnover of the legal person, either in the business year preceding that in which the criminal offence was committed or in the business year preceding that of the decision to impose the fine; **or alternatively**

   (b) an amount corresponding to EUR **16 000 000** ~~million~~.

PUBLIC

5a. For criminal offences covered by Article 3(1)(ii) and (iii) in respect of Article 3(1) points (a) and (b), and Article 3(2) points (a) (iii) and (b)(ii), Member States shall ensure that the maximum level of such fines is not less than:

(a) 1% of the total worldwide turnover of the legal person, either in the business year preceding that in which the criminal offence was committed or in the business year preceding that of the decision to impose the fine; or alternatively

(b) an amount corresponding to EUR 8 000 000.

6. Member States may establish rules for cases where it is not possible to determine the amount of the fine on the basis of the total worldwide turnover of the legal person in the business year preceding that in which the criminal offence was committed or in the business year preceding that of the decision to impose the fine.

Article 8

Aggravating circumstances

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

(a) the criminal offence involves **a significant number of** ~~10 or more~~ firearms;

~~(b) the criminal offence involves Category A firearms, as set out in Annex I of Directive (EU) 2021/555;~~

~~(c) the criminal offence relates to a terrorist offence as defined in Article 3 of Directive (EU) 2017/541 of the European Parliament and of the Council;~~

(d) the criminal offence was committed in the framework of a criminal organisation as defined in Article 1, point 1 of Council Framework Decision 2008/841/JHA;

~~(e) the criminal offence caused serious physical injury to a person;~~

~~(f) the criminal offence caused the death of a person;~~

~~(g) the criminal offence involves the corruption of public officials;~~

~~(h) the criminal offence was committed by a public official when performing his or her duties;~~

(i) the criminal offence was committed by a natural or legal person that had previously been convicted by a final judgment of criminal offences referred to in Article 3 or Article 4;

~~(j) the firearms are trafficked to or from a conflict or post-conflict area.~~

~~*Article 9*~~

~~**Mitigating circumstances**~~

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

~~(a) preventing or mitigating the effects of the criminal offence;~~

~~(b) identifying or bringing to justice other offenders;~~

~~(c) finding evidence;~~

~~(d) preventing further criminal offences referred to in Article 3.~~

PUBLIC

Article 10

Investigative tools

Member States shall take the necessary measures to ensure that effective and proportionate investigative tools **are available for investigating or prosecuting criminal offences covered by Articles 3 and 4. Where appropriate, these**~~, including~~ tools **shall include special investigative tools, such as those** ~~which are~~ used **in combatting** ~~for~~ organised crime or **in** other serious crime cases~~, are available to persons, units or services responsible for investigating or prosecuting the criminal offences referred to in Articles 3 and 4~~.

Article 11

Management and disposal

Member States shall adopt, within their national legal systems, the measures necessary to prevent illicitly manufactured and trafficked firearms, essential components and ammunition **used in offences covered by Article 3** seized and confiscated by their authorities from falling into the hands of unauthorised persons including measures to destroy those firearms, essential components and ammunition. Member States may decide on other ways of disposal, provided that the firearms or essential components have been marked and the methods of disposal of those firearms, essential components and ammunition have been recorded.

PUBLIC

Article 12

Limitation periods

~~1.~~ Member States shall ~~take the necessary measures to~~ provide for a ~~sufficient~~ limitation period **which is commensurate to the gravity of the offence and that enables the investigation, prosecution, trial and adjudication for a sufficient period of time** after the commission of **those, in order for criminal offences referred to in Articles 3 and 4** ~~criminal offences referred to in Articles 3 and 4, which is commensurate to the gravity of the criminal offences and that enables the investigation, prosecution, trial and adjudication of those criminal offences~~ to be tackled effectively. Member States shall ~~take the necessary measures to~~ provide for a sufficient limitation period following a final conviction for criminal offences **covered by**~~referred to in~~ Articles 3 and 4 that enables the enforcement of the penalties imposed.

~~2. The limitation period referred to in paragraph 1, first sentence, for the criminal offences referred to in Article 3 shall be as follows:~~

~~(a) at least eight years from the commission of a criminal offence punishable by a maximum term of imprisonment of at least eight years;~~

~~(b) at least five years from the commission of a criminal offence punishable by a maximum term of imprisonment of at least five years;~~

~~(c) at least four years from the commission of a criminal offence punishable by a maximum term of imprisonment of at least four years;~~

~~(d) at least two years from the commission of a criminal offence punishable by a maximum term of imprisonment of at least two years.~~

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3. The limitation period referred to in paragraph 1, second sentence, for the criminal offences referred to in Article 3 shall be as follows:

(e) at least eight years from the date of the final conviction in either of the following cases:

(i) a penalty of imprisonment of more than five years,

(ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of imprisonment of at least eight years;

(f) at least five years from the date of the final conviction in either of the the following cases:

(i) a penalty of imprisonment of more than one year,

(ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of imprisonment of at least five years;

(g) at least four years from the date of the final conviction in either of the following cases:

(i) a penalty of imprisonment of up to one year,

(ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of imprisonment of at least four years.

(h) at least two years from the date of the final conviction in either of the following cases:

(i) a penalty of imprisonment of up to one year,

(ii) a penalty of imprisonment for a criminal offence punishable by a maximum term of imprisonment of at least two years.

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~~4. The limitation periods for the criminal offences referred to in Article 4 shall correspond to the limitation period established for the related criminal offence referred to in Article 3.~~

~~5. By way of derogation from paragraph 2, point (a) and paragraph 3, point (a), Member States may establish a limitation period that is shorter than eight years, but not shorter than four years, provided that such limitation period may be interrupted or suspended in the event specified acts.~~

Article 13

Jurisdiction

1. Each Member State shall establish its jurisdiction over the criminal offences **covered by**~~referred to in~~ Articles 3 and 4 where~~ any of the following applies~~:

   (a) the criminal offence was committed in whole or in part within its territory;

   (b) the criminal offence was committed on board a ship or an aircraft registered in that Member State or flying its flag;

   (c) the offender is one of its nationals.

2. A Member State shall inform the Commission where it decides to extend its jurisdiction to one or more criminal offences **covered by**~~referred to in~~ Articles 3 and 4 which have been committed outside its territory, where~~ any of the following applies~~:

   (a) the offender is a habitual resident in its territory;

   (b) the criminal offence is committed for the benefit of a legal person established in its territory;

   (c) the criminal offence is committed for the benefit of a legal person in respect of any business done in whole or in part on its territory; **or**

   (d) the criminal offence is committed against one or more of its nationals or habitual residents.

~~3. In cases referred to in paragraph 1(c), each Member States shall take the necessary measures to ensure that the exercise of their jurisdiction is not subject to either of the following condition from the State of the place where the criminal offence was committed.]~~

~~(i) the acts are a criminal offence at the place where they were carried out;~~

~~(j) the prosecution can be initiated only following a transmission of information~~

4. Where a criminal offence **covered by** ~~referred to in~~ Articles 3 and 4 falls within the jurisdiction of more than one Member State, those Member States shall cooperate to determine which Member State is to conduct the criminal proceedings. The matter shall, where appropriate and in accordance with Article 12(2) of Council Framework Decision 2009/948/JHA[(13)] , be referred to Eurojust.

Article 14

Training

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

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

Article 15

Coordination and cooperation between competent authorities within a Member State

1. Member States shall designate, **without prejudice to judicial independence or irrespective of their administrative organisation**, a National Firearms Focal Point for coordination and cooperation at strategic and operational levels among all **their** ~~its~~ competent authorities involved in the prevention of and the fight against firearms-related criminal offences. The National Firearms Focal Point shall perform at least the following tasks**, in accordance with national law and administrative practice:**

   (a) gather, analyse and exchange information, **in accordance with Directive (EU) 2023/977 on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA,** on firearms, their essential components, ammunition, and blueprints for strategic and operational purposes, within the limits set out in Union and national law;

   (b) ensure the creation and regular update of an intelligence picture of the threat related to firearms-related criminal offences;

   (c) ensure the collection and recording of all information regarding seizures of firearms linked to criminal offences**; and** ~~This also requires all necessary access to national and international databases for the corresponding exchange of information, including the duties established in Article 17;~~

   (d) promote international cooperation.

1a. The national firearms focal points are encouraged to also perform the following tasks:

   (a) support criminal investigations, within the limits set out in applicable Union and national law, with particular emphasis on the tracing of firearms, as defined in Article 1(1), point 13, of Directive (EU) 2021/555, **and**

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(b) be the national point of contact at technical level for the requests of international assistance, specifically those from the European groups of practitioners working on matters relevant to combating firearms-related criminal offences and related infringements.

2. Member States shall ensure that the National Firearms Focal Points are established with**in** an appropriate structure ~~such as a dedicated unit, department, or centre~~, and allocated with sufficient staff and resources to ensure their continuous operation and effective functioning.

Article 16

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

1. Where the criminal offences **covered by** ~~referred to in~~ Articles 3 and 4 are suspected to be of a cross-border nature, the competent authorities of the Member States concerned shall refer the information related to those offences to appropriate competent **bodies in accordance with the applicable Regulations** ~~entities~~.

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2. Without **prejudice to** ~~affecting~~ the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States, Eurojust, Europol, the European Public Prosecutor's Office [and the Commission shall], within their respective scope of competences, cooperate with each other in the fight against the criminal offences **covered by** ~~referred to in~~ Articles 3 and 4. To that end, Eurojust **and Europol** shall, where appropriate, provide the technical and operational assistance needed by the competent national authorities to facilitate coordination of their investigations. The Commission may, where appropriate, provide assistance.

3. Member States may decide to facilitate the joint testing of blueprints suspected to be designed for manufacturing firearms, essential components or ammunition.

Article 17

Registration of seized firearms

1. Member States shall ensure that seized firearms are registered using the minimum dataset set out in the Annex**, to the extent the data is applicable to the firearm in question.**

Member States shall provide, in a digital manner, the data on seized firearms registered in accordance with the first subparagraph to Europol, at least once every six months.

2. The Commission is empowered to adopt delegated acts, in accordance with Article 19, to amend the minimum dataset set out in the Annex, if analysis carried out on the gathered data show there is a data element lacking to obtain an intelligence picture on the threats.

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Article 18

Statistical data

1. Member States shall ensure that a ~~digital~~ system is in place for the collection, ~~development,~~ productions and dissemination of **existing** anonymised statistical data on the criminal offences **covered by** ~~referred to in~~ Articles 3 and 4.

2. **Without prejudice to reporting obligations laid own in other Union legal acts, Member States shall, b**y 31 **December**~~July~~ of the sixth year following transposition, and then every five years thereafter **and if they are available at central level,** ~~Member States shall~~ submit to the Commission the statistical data **covered** ~~referred to in~~ **by** paragraph 1 for the five preceding years. Member States may submit to the Commission those data on a yearly basis. Those data shall, as a minimum, include existing data on:

   (a) the number of criminal offences registered and adjudicated by the Member States, disaggregated by criminal offence;

   ~~(b) the number of court cases that are dismissed, including on the grounds of expiry of the limitation period for the criminal offence concerned, disaggregated by criminal offence;~~

   (c) ~~the number of prosecuted natural persons, disaggregated by criminal offence~~

   (d) the number of convicted natural persons~~, disaggregated by criminal offence~~;

   (e) ~~the number of prosecuted legal persons, disaggregated by criminal offence~~;

   (f) the number of convicted legal persons~~, disaggregated by criminal offence~~;

   (g) types and levels of penalties imposed;

   (h) ~~the number of seized firearms.~~

~~3. Member States shall provide, in a digital manner, the data on seized firearms registered in accordance with Article 17(1) to Europol, at least once a month.~~

~~4. Member States shall keep the data referred to in paragraph 2, for at least 20 years~~

Article 19

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 17(2) shall be conferred on the Commission for an indeterminate period of time.

3. The delegation of power referred to in Article 17(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 17(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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Article 19a

Freedom of the press and freedom of expression

This Directive shall not affect special liability regimes relating to fundamental principles on the freedom of the press and the freedom of expression in media which exist in Member States as of [*the date of the entry into force of this Directive*], provided that such regimes can be applied in full compliance with the Charter.

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Article 20

Amendment to Directive (EU) 2024/1260

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

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

Article 21

Reporting

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

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

Article 22

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [36~~24~~ *months after the date of entry into force of the Directive*] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

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

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

Article 23

Entry into force

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

Article 24

Addressees

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

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*
[...]	[...]

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Annex

Minimum dataset for registering seized firearms

1. Type

   The classification of a weapon based on its most significant functional or mechanical elements

2. Make

   The name of the manufacturer, or licensed trade name under which the weapon is marketed, which appears as part of the weapon's unique marking at manufacture or import. Where the weapon bears both a corporate manufacturer name and a different brand/trade name, the make is the primary manufacturer/brand name engraved on the essential components.

3. Model

   A specific weapon design or variant of a weapon, designated by a unique combination of type, make, and principal characteristics that make it identical within the same make.

4. Caliber

   The nominal, commercially recognized designation for a specific cartridge and its corresponding internal barrel dimensions, as formally standardised by the Commission Internationale Permanente pour l'Epreuve des Armes à Feu Portatives (C.I.P.) or equivalent recognised national bodies.

5. Serial number

   A number of characters, which could include numbers and letters, engraved physically in different essential components of a weapon to register univocally that particular item and which serve to trace the weapon from the manufacture to the last legal owner.

6. Criminal context

Legal justification of the seizure of a weapon or essential component related to a criminal offence.

7. Date

Date of the seizure of the weapon or essential component.

8. Geographical context

Location of the seizure of weapon or essential component.

9. Information on traceability of the weapon (with unique weapon ID reference)

Information related to tracking of weapons and, where possible, their essential components from manufacturer to purchaser. The unique weapon identification reference shall be the number of characters attributed univocally to any weapon or essential component at the moment of the recording of them in any database and should be kept the same until the destruction of the weapon or essential component.

10. Picture

A photograph of all weapons seized with their markings clearly visible.

[11. Relevant information related to the flow of the firearm

Where applicable, information that competent authorities can provide related to the provenance and flow of the firearm.]

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