

Illicit Trafficking of Firearms: New Legislative Proposal

Thomas Wahl

News

On 26 February 2026, the European Commission [presented](#) a proposal for an EU Directive on combating firearms trafficking and other firearms-related offences ([COM\(2026\) 102 final](#)). The proposal pursues three different aims:

- Harmonising definitions and penalties for firearms-related criminal offences;
- Improving cross-border cooperation;
- Establishing a minimum dataset on firearms seizures.

Regarding the harmonisation of the EU Member States' criminal law, the Commission proposes that the EU Member States criminalise certain acts, provided that they are committed intentionally. These include:

- Trafficking and manufacturing of illicit firearms (maximum penalty of at least 8 years of imprisonment);
- Possession of illicit firearms, essential components and ammunition (maximum penalty of at least 5 years);
- Marking tampering, i.e. falsifying or illicitly removing or altering firearm markings (maximum penalties of at least 4 years);
- 3D printing of firearms, i.e., illicit creation, acquisition, possession and dissemination of blueprints (maximum penalty of at least 2 years).

The criminalisation of illicit manufacturing, illicit trafficking, and falsification and modification of markings on firearms will align EU law with the [UN Firearms Protocol](#). The criminalisation of illicit possession derives from the Firearms Directive (EU) 2021/555. The offences relating to blueprints are intended to close a legal loophole and are considered new offences.

Alongside the definition of offences and "maximum minimum" penalties for natural persons, the proposal also includes provisions on the criminalisation of inciting, and aiding and abetting the commission of said criminal offences, liability and penalties of/for legal persons, aggravating and mitigating circumstances, limitation periods, and jurisdiction.

To strengthen of cross-border cooperation, the Commission proposes an obligation for Member States to establish a National Firearms Focal Point. These Points should be tasked with the following:

- Gathering data on firearms and acting as a central hub for collecting available national data;
- Preparing a regular intelligence picture;
- Serving as a contact point for cooperation in international fora.

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

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Improved data collection and standardisation of the available data on firearms is to be ensured by the Member States' obligation to collect statistical data (e.g. on number of criminal offenses registered, court cases dismissed, prosecutions and convictions, seized firearms) and the establishment of a minimum dataset to register seized firearms (to be shared with Europol's Firearms Hub). This improved data collection is, among other things, designed to help Member States identify trends (e.g. how decommissioned firearms from conflict zones enter the Union). It will also support targeted efforts to seize firearms, prevent proliferation and improve situational awareness.

Background: The proposal will complement other EU rules on firearms with a "criminal law component". Existing rules mainly focus on the handling of firearms in the EU's internal market. They regulate the legal acquisition and possession of firearms. Examples include the [Firearms Directive 2021/555](#), which defines minimum common rules on the acquisition and possession of firearms in the EU, as well as on the transfer of firearms from one EU country to another. The [Firearms Regulation](#) (recast in 2025) implements Art. 10 of the UN Firearms Protocol, laying down rules on the export of firearms. The UN Firearms Protocol, which the EU signed in 2014, also requires the criminalisation of illicit manufacturing and trafficking.

The presented proposal is the first legislative initiative to be adopted under the new European Internal Security Strategy, ProtectEU (→[eucrim 1/2025, 3-4](#)). The Strategy identified firearms trafficking as a major internal security threat to the EU, considering a criminal law response across the EU to be a major priority.

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