Spanish model of legal control and fight against illicit trafficking of firearms: lessons learnt leadership of European EMPACT FIREARMS

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OBJECTIVES OF THE PRESENTATION

Firearms threat in EU and importance of EMPACT FIREARMS as hub project.

Share knowledge related to the impact of EMPACT firearms on the threat

Both strategic and operational level

Spanish example of leadership

Importance of international cooperation with other tools.
BEFORE AND AFTER EU’s POLICY CYCLE

**BEFORE**
- Reactive legislative changes
- International gatherings
- EFE
- INTERPOL

**AFTER**
- Harmonization of legislative changes.
- Identification of global threats.
- Comprehensive fight.
- FOCAL POINT EUROPOL.
- Importance of the threat.
- National Focal Points in MS
EUROPEAN MULTIDISCIPLINARY PLATFORM AGAINST CRIMINAL THREATS

WHAT IS EMPACT?

European
Multidisciplinary
Platform
Against
Criminal
Threats
**EXPLANATION BY ACRONYM**

- **European**: Focus mainly on the threat of firearms for EU citizens.

- **Multidisciplinary**: Each priority of the EU Policy Cycle against organized crime leaded by a Member State (MS) of EU, with the support of all EU Institutions and Agencies identified as important.

- **Platform**: It is not a “classic” project. It is not neither a EU Institutions (Council of EU, Commission, etc.) nor an Agency (EUROPOL, CEPOL, etc.). It is not a Member State. It is the main hub platform at EU level with the mandate of Council of EU (level EU MS Ministers of Justice and Interior) where MS which decided to participate with 4 levels of commitment (participant, action leader, co-driver or driver) working all together with the support of rest of stakeholders. It is open to participation of all Law Enforcements Agencies (Gendarmerie, Police, Customs, etc.) and other stakeholders with mandate at national level related the threat.

- **Against**: The main focus in the fight against the threat.

- **Criminal**: It is within the framework of the fight against criminal threats, not focus on terrorism but yes to the links, especially EMPACTs as Firearms.

- **Threats**: Based on present and future threats, as the model of work is based on a strategic plan of 4 years.
HUB

EUROPOL

COMMISSION/INTERPOL
THIRD COUNTRIES

EUROJUST
FRONTEX
CEPOL

STRATEGIC MEASURES
DATA & INTELLIGENCE,
GATHERING & SHARING

KNOWLEDGE BUILDING,
AWAWARENESS & TRAINING

MONEY LAUNDERING & ASSET RECOVERY

OPERATIONAL MEASURES (ENHANCING
AND SUPPORTING TRANSNATIONAL
INVESTIGATIONS, JOINT ACTION DAYS)

MEMBER STATES

PROGRAMME FUNDED
BY THE EU
• **27 Member States (MS):** Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxemburg, Lithuania, Latvia, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

• Not only Police Forces, Customs too (FR, DE, ES, IE, SE)

• **9 Institutions, Agencies and Networks:** EU COMMISSION, EUROPOL, CEPOL, EUROJUST, EEAS, European Firearms Expert (EFE), FRONTEX, EU-LISA, UNODC, INTERPOL.

• **3rd Parties:** Switzerland, US-ATF, US-HIS, Australia, Colombia.

• **DRIVER:** SPAIN (Spanish Guardia Civil)

• **7 Goals** (the same during four years Policy Cycle) and **20 Operational Actions (OA)** during 2018.
EMPACT STRUCTURE OF WORK

EMPACT manager team (Analysis Project Weapons&Explosives – EUROPOL-)

Co-Driver UK
Co-Driver NL
Co-Driver FR
Co-Driver BE
Co-Driver EUROPOL

Institutions UE
3rd. countries

EMPACT support team (EUROPOL)
DIVERSION OF LEGAL FIREARMS INTO BLACK MARKET
- More than 500,000 reported to SIS II
- iARMS
- Increase of the importance of the Europol’s project Weapons and Explosives Analysis.
- Dedicated operational action within Empact Firearms (Operation Titan)

BALKANS REGION.
UKRAINE
MIDDLE EAST AND NORTH AFRICAN COUNTRIES
COLOMBIA.

DEACTIVATED – ACUSTIC - FLOBERT FIREARMS AND ILLICITLY CONVERTED INTO LETHAL WEAPONS.
- Identification of the threat
- Vulnerability: differences in the legislation between member states
- Op Mars in the UE.

GAS /ALARM – BLANK WEAPONS
- Identification of the source of the threat
- Vulnerability: differences in the legislation between member states
- Op Bosphorus in the UE.

MODUS OPERANDI FAST PARCEL

MODUS OPERANDI INTERNET (NORMAL AND DARKNET)
EXAMPLES OF RELEVANT OPERATIONS

OPERATION MARS:

- Investigations in Germany, the Netherlands, France, Sweden, Belgium, the United Kingdom, Poland, Finland, Romania, Spain with support from EUROPOL.
- 160 detentions
- More than 635 weapons seized.
- More than 150 kg. of explosive.
- 150 hand grenades.
- More than 200,000 cartridges.
- More than 70 raids and house inspections.

OPERATION BOSPHORUS:

- Investigations in Romania, Greece, Belgium, the Netherlands, Poland, Finland, Sweden, Spain and the United Kingdom with support from EUROPOL
- More than 245 detentions.
- 556 alarm weapons seized, 131 of them converted.
- 108 firearms.
- More than 33748 cartridges.
- 421 riots and house inspections.
OA 2.1: Target threat of gas/alarm/blank weapons at EU level (Op. Bosphorus III)

Intelligence phase: coordination of gathering of intelligence from MS and analysis by Analysis Project Weapons&Explosives EUROPOL

Operational phase: analysis of intelligence by AP W&E and sending intelligence packages to MS affected.

Operational phase II: Opening and coordination of investigations in MS at national and international level.

Post operational phase: Evaluation and dissemination of best practices.

Full support of EMPACT during all phases

OA 2.2: Target threat of deactivated-acoustic-flobert firearms and illegally converted into lethal weapons at EU level (Op. Mars III)

Intelligence phase: coordination of gathering of intelligence from MS and analysis by Analysis Project Weapons&Explosives EUROPOL

Operational phase: analysis of intelligence by AP W&E and sending intelligence packages to MS affected.

Operational phase II: Opening and coordination of investigations in MS at national and international level.

Post operational phase: Evaluation and dissemination of best practices.

Full support of EMPACT during all phases
Spanish Constitution. Article 149.1.26ª: Only the State has the exclusive competence about manufacture, trade, control and use of firearms and explosives.

Spanish Penal Code 10/1995 art. 348,513,563 to 570 and 573.

Spanish Act Administrative procedure 39/2015

Spanish Act Protection of citizens security 4/2015

Royal Decree 137/1993 on regulation of firearms.
IMPLEMENTATION FIREARMS IN SPAIN

LEGAL CONTROL OF FIREARMS.
- Guardia Civil

NATIONAL DATA BASE FIREARMS.
- Guardia Civil

NATIONAL BALLISTIC ANALYSIS
- Guardia Civil and Policia Nacional using same system (IBIS and IBIN)

INVESTIGATIONS INVOLVING FIREARMS
- Guardia Civil and also Policia Nacional and rest of Spanish Regional Polices.
- Coordination at national level (Secretary of State of Security – Ministry of Interior –)

GATHERING AND ANALYSIS INTELLIGENCE AT NATIONAL LEVEL
- National Focal Point
Specialized Division within a Law Enforcement Agency (Guardia Civil)

Comprehensive supervision over the “life cycle” of weapon

Security measures

Grant or refuse authorizations reliable

Weapons Register system

Information Exchange System

Implementation of all measures reflected in UN, directly or through implementation of EU legislation.
• SPECIALIZED GUARDIA CIVIL UNIT IN CHARGE OF INTEGRAL
  CONTROL OF FIREARMS AND EXPLOSIVES.
• 1.936 DEDICATED GUARDIA CIVIL OFFICERS IN CHARGE OF
  FIREARMS CONTROL.
• EXCLUSIVE JURISDICTION CONCERNING WEAPONS AND
  EXPLOSIVES AT NATIONAL LEVEL.
• NATIONAL REGISTER OF AUTHORITY TATIONS, WEAPONS AND
  MARKS.
• LICENCING ISSUE AND MANAGEMENT FOR PRIVATE
  INDIVIDUALS AND COMMERCIAL ESTABLISHMENT.
• LIAISON WITH OTHER DEPARTMENTS.
• MEASURES WITH PREVENTIVE NATURE.
IMPACT IN SPAIN: INTEGRAL PLAN ON FIREARMS CONTROL (PICAF)

- ICAE (Central Division Weapons Control)
- Intelligence Division (including Counter terrorism)
- Criminal Investigation Division
- Risk analysis Units (Border controls Ports-Airports)
- Regular police Units
- Traffic control Units
- Borders control Units
- Customs control Units.

LEGAL CONTROL

PREVENTION

INVESTIGATION

INTELLIGENCE/
BALLISTIC ANALYSIS

Forensic Service (Balistic Department)
CONCEPT NATIONAL FOCAL POINT SPAIN

POC / National and International

INTEL from CRIMINAL and BALLISTIC data

TRACING

MANAGEMENT OF DATABASES/ National and International

EXCHANGE OF INFORMATION OPERATIONAL/ STRATEGIC

THREAT ASSESSMENT/ National and International

LEGISLATION

GUARDIA CIVIL

IMPACT FIREARMS

EUROPOL

INTERPOL

STRONGER CONTROL OF FIREARMS ACROSS THE EU

UNITED NATIONS
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