



Trafficking of illicit firearms. The Commission's proposal for a Directive

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📌 EU LAW, DEFENSE, PERSPECTIVES

Roberto A. Jacchia
Marco Stillo

On 26 February 2026, the Commission presented a Proposal¹ for a Directive to combat firearms trafficking and other firearms-related offences in the EU.

Part of ProtectEU², the Proposal finds its rationale in the fact that criminal demand and access to firearms, which pose a serious threat to EU citizens' security as they enable a wide range of serious and organised crimes, are increasing and leading to more violent accidents in some Member States. Despite the EU has engaged at international level in actions to control firearms, there are still significant differences among Member States in how firearm-related crimes are defined and punished, leading to a

fragmented legal framework across the Union. The Proposal aims to protect European citizens from the threat of illicit firearms by reducing their number and the related criminal activities, harmonising firearm offences and penalties across Member States and improving data quality and availability to better understand and address the threat.

The Proposal introduces harmonised definitions for offenses such as, amongst the others, illicit manufacturing, trafficking and possession of firearms or falsification and modification of markings on firearms³. Member States should take the necessary measures to ensure that such criminal offences are punishable by effective, proportionate and dissuasive criminal penalties, setting an upper limit

¹ Com. Comm. COM(2026) 102 final of 26.02.2026, *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.*

² For further information see our previous article, available at the following [LINK](#).

³ See Article 3 of the Proposal.



depending on the type of offence⁴. Member States should ensure that also legal persons can be held liable for the criminal offences committed for their benefit by a person who has a leading position therein and who acts individually or as part of one of their organs on the basis of a power of representation, an authority to take decisions on their behalf or an authority to exercise control⁵.

Member States will need to adopt, within their national legal systems, the measures necessary to prevent the illicit manufacturing and trafficking in firearms, their essential components and ammunition seized and confiscated by their authorities from falling into the hands of unauthorised persons⁶. Moreover, they should also take the necessary measures to provide for a sufficient limitation period after the commission of the criminal offences, to be related to their gravity, enabling for the investigation, prosecution, trial and adjudication of those offences to be tackled effectively⁷.

Each Member State should establish its jurisdiction over the criminal offences of which the Proposal is comprised, where the offence was committed i) in whole or in part within its territory, ii) on board a ship or an aircraft registered in that Member State or flying its flag, or iii) by one of its nationals. A Member State should inform the Commission where it decides to extend its jurisdiction to one or more criminal offences committed outside its territory, where i) the offender is a habitual resident therein, ii) the

offence is committed for the benefit of a legal person established in its territory or in respect of any business done in whole or in part on its territory, or iii) the offence is committed against one or more of its nationals or habitual residents. Where a criminal offence falls within the jurisdiction of more than one Member State, they should cooperate to determine which one is to conduct the criminal proceedings⁸.

Each Member State will designate a single National Firearms Focal Point for coordination and cooperation among all its competent authorities involved in the prevention of, and the fight against, firearms-related criminal offences, provided with an appropriate structure as well as sufficient staff and resources to ensure their continuous operation and effective functioning⁹.

Finally, the Proposal introduces new measures to improve the collection and standardisation of available data on firearms. More particularly, Member States should ensure that firearms seized by law enforcement or other competent agencies are registered using the minimum dataset set out in the Annex, which was developed in cooperation with practitioners and includes basic information such as the model and type of firearm¹⁰. Moreover, Member States should gather existing statistical data in relation to the several firearms-related offences through a digital system and share it with the Commission every five years¹¹.

⁴ See Article 5 of the Proposal.

⁵ See Article 6 of the Proposal.

⁶ See Article 11 of the Proposal.

⁷ See Article 12 of the Proposal.

⁸ See Article 13 of the Proposal.

⁹ See Article 15 of the Proposal.

¹⁰ See Article 17 of the Proposal.

¹¹ See Article 18 of the Proposal.



Roberto A. Jacchia

PARTNER

 r.jacchia@dejalex.com

 +39 02 72554.1

 Via San Paolo 7
20121 - Milano



Marco Stillo

ASSOCIATE

 m.stillo@dejalex.com

 +39 02 72554.1

 Via San Paolo 7
20121 - Milano

MILANO

Via San Paolo, 7 · 20121 Milano, Italia
T. +39 02 72554.1 · F. +39 02 72554.400
milan@dejalex.com

ROMA

Via Vincenzo Bellini, 24 · 00198 Roma, Italia
T. +39 06 809154.1 · F. +39 06 809154.44
rome@dejalex.com

BRUXELLES

Chaussée de La Hulpe 187 · 1170 Bruxelles, Belgique
T. +32 (0)26455670 · F. +32 (0)27420138
brussels@dejalex.com

MOSCOW

Potapovsky Lane, 5, build. 2, 4th floor, office 401/12/9 · 101000, Moscow, Russia
T. +7 495 792 54 92 · F. +7 495 792 54 93
moscow@dejalex.com