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EUROCRIMES

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TABLE OF CONTENTS
VOLUME 7 – SPECIAL ISSUE

FOREWORD

Pages 1-2
Anna Oriolo

EU JUDICIAL COOPERATION IN CRIMINAL MATTERS

Pages 3-9
Anna Oriolo

INTERNATIONAL TERRORISM

Pages 10-30
Luisanna Savino

TRANSNATIONAL ORGANIZED CRIME

Pages 31-39
Alessandra Giordano, Miriana Greco

HUMAN TRAFFICKING AND SEXUAL EXPLOITATION OF WOMEN AND MINORS

Pages 40-53
Orsola Ilenia Conte

ILLICIT DRUG TRAFFICKING

Pages 54-65
Emanuela Coppola, Fernanda Masullo



MONEY LAUNDERING

Pages 66-77

Emanuele Sorgente

CORRUPTION

Pages 78-102

Christian Fausto Santoriello

ILLICIT ARMS TRAFFICKING

Pages 103-129

Francesco Potenza

CYBERCRIME (COMPUTER CRIME)

Pages 130-157

Teresa D'Aniello

COUNTERFEITING OF MEANS OF PAYMENT

Pages 158-173

Francesco Focillo

THE VIOLATION OF UNION RESTRICTIVE MEASURES

Pages 174-185

Francesco Focillo



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OVERVIEW

The Journal of International Criminal Law (JICL) is a scientific, online, peer-reviewed journal, first edited in 2020 by Prof. Dr. Heybatollah Najandimanesh, mainly focusing on international criminal law issues.

Since 2023 JICL has been co-managed by Prof. Dr. Anna Oriolo as General Editor and published semiannually in collaboration with the International and European Criminal Law Observatory (IECLO) staff.

JICL Boards are powered by academics, scholars and higher education experts from a variety of colleges, universities, and institutions from all over the world, active in the fields of criminal law and criminal justice at the international, regional, and national level.

The aims of the JICL, *inter alia*, are as follow:

- to promote international peace and justice through scientific research and publications;
- to foster study of international criminal law in a spirit of partnership and cooperation with the researchers from different countries;
- to encourage multi-perspectives of international criminal law; and
- to support young researchers to study and disseminate international criminal law.

Due to the serious interdependence among political sciences, philosophy, criminal law, criminology, ethics and human rights, the scopes of JICL are focused on international criminal law but not limited to it. In particular, the Journal welcomes high-quality submissions of manuscripts, essays, editorial comments, current developments, and book reviews by scholars and practitioners from around the world addressing both traditional and emerging themes, topics such as

- the substantive and procedural aspects of international criminal law;
- the jurisprudence of international criminal courts/tribunals;
- mutual effects of public international law, international relations, and international criminal law;
- relevant case-law from national criminal jurisdictions;
- criminal law and international human rights;
- European Union or EU criminal law (which includes financial violations and transnational crimes);
- domestic policy that affects international criminal law and international criminal justice;
- new technologies and international criminal justice;
- different country-specific approaches toward international criminal law and international criminal justice;
- historical accounts that address the international, regional, and national levels; and
- holistic research that makes use of political science, sociology, criminology, philosophy of law, ethics, and other disciplines that can inform the knowledge basis for scholarly dialogue.



The dynamic evolution of international criminal law, as an area that intersects various branches and levels of law and other disciplines, requires careful examination and interpretation. The need to scrutinize the origins, nature, and purpose of international criminal law is also evident in the light of its interdisciplinary characteristics. International criminal law norms and practices are shaped by various factors that further challenge any claims about the law's distinctiveness. The crime vocabulary too may reflect interdisciplinary synergies that draw on domains that often have been separated from law, according to legal doctrine. Talk about “ecocide” is just one example of such a trend that necessitates a rigorous analysis of law *per se* as well as open-minded assessment informed by other sources, e.g., political science, philosophy, and ethics. Yet other emerging developments concern international criminal justice, especially through innovative contributions to enforcement strategies and restorative justice.

The tensions that arise from a description of preferences and priorities made it appropriate to create, improve and disseminate the JICL as a platform for research and dialogue across different cultures, in particular, as a consequence of the United Nations push for universal imperatives, e.g., the fight against impunity for crimes of global concern (core international crimes, transboundary crimes, and transnational organized crimes).

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Illicit Arms Trafficking

*by Francesco Potenza**

SUMMARY: I. What is Meant by Arms and What is Their Legal Classification Under International and European Law? – II. Do Arms and Military Armaments Share the Same Regulation and How Do They Interface Within the Common Market? – III. Is There a Common Definition of Arms at the International Level? – IV. What Are the Characteristics of Arms Trafficking? – V. Where Do Arms Originate From? – VI. What Contribution do New Technologies Offer? – VII. What Counter-Strategies Have Been Undertaken by the United Nations? – VIII. What is the Regulation of the European Union Regarding Transfers of Armaments? – IX. Has the European Union Developed Strategies for Countering Illicit Trafficking?

KEY FINDINGS: Transnational dimension of the Eurocrime; The dual architecture of the United Nations; Tracking standards and forensic marking; The security derogation and EU export policies; Technological integration, internal market, and the EMPACT approach.

I. What Is Meant by Arms and What Is Their Legal Classification Under International and European Law?

To comprehensively define the notion of an arm within the Area of Freedom, Security and Justice (AFSJ), it is essential to refer to the harmonized classification criteria developed by the European Union and multilateral treaties, which overcome the traditional asymmetries of individual national legal systems. European law categorizes these protective or offensive instruments based on their lethal potential, structural design, and ballistic operating mechanism. For the purpose of monitoring the internal civilian market and criminal prevention, doctrine and law enforcement agencies distinguish sharply between high-lethality devices (proper weapons or firearms) and instruments that, although manufactured for industrial, agricultural, or recreational purposes, can be converted into vectors of offense (improper weapons, such as forestry knives or machetes, which are excluded from the category of firearms because they lack a thermal propulsion mechanism).

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REFERENCES

The Three-Tier Classification of Directive (EU) 555, 2021

The backbone of Euro-unitary categorization is established by **Directive (EU) 2021/555** on control of the acquisition and possession of weapons, which binds Member States to adopt a standardized classification structured around three risk classes:

- **Category A - Prohibited firearms:** Includes automatic rapid-fire devices, lethal military products, firearms camouflaged as other objects, and, following post-2015 reforms, semi-automatic firearms equipped with high-capacity magazines or derived from military platforms, the possession of which is strictly precluded for civilians, save for exceptional derogations for sporting or collecting purposes.
- **Category B - Firearms subject to authorization:** Includes semi-automatic short-barrel pistols and revolvers, as well as smooth-bore or rifled long-barrel firearms that require the issuance of a qualifying title (license or carrying permit) by national public security authorities.
- **Category C - Firearms subject to declaration:** Covers long-barrel hunting rifles and ordinary repeating devices that impose a mere obligation of declaration and insertion into electronic registries.

The architecture present in Directive (EU) 555/2021 interfaces in a comparative manner with the Italian legal system, which transposes these constraints by distinguishing between common firearms (regulated by Art. 2 of Law No. 110/1975) and compressed air or gas devices generating less than **7.5 Joules** of kinetic energy, which are declassified to free-sale instruments for adults since they lack a pronounced offensive potential. For the purposes of insertion and cross-border criminal tracking, the European Directive mandates a binding obligation of **permanent and indelible marking** on all essential components of the device (barrel, frame, slide, bolt), allowing *blockchain forensics* in the event of a seizure within smuggling circuits.

Alongside the civilian market, international law and CSDP policies isolate the macro-category of **war weapons**, defined as those instruments characterized by a deadly destructive power and designed, by engineering requirements, for the modern armament of troops and tactical warfare, including bombs, anti-personnel or anti-tank mine systems, booby traps, and chemical, biological, radiological, or nuclear (CBRN) agents. Under the profile of clandestine manufacturing, a strict penal regime strikes incendiary weapons (such as Molotov bottles and devices, classified as material of war due to their capacity to cause mass destruction at zero cost), whose asymmetric proliferation is monitored at a universal level by **Protocol III of the 1980 UN Convention on Certain Conventional Weapons (CCW)**. On the domestic Italian level, the technical verification of non-belligerence and the cataloging of legal devices are mandated by law to the **National Proof House (*Banco Nazionale di Prova*) in Gardone Valtrompia**, which operates as a ballistic certification organ integrated into the European security architecture.

II. Do Arms and Military Armaments Share the Same Regulation and How Do They Interface within the Common Market?

Having traced the divisions governing civilian devices and individual firearms, it is necessary to analyze the special supranational statute applicable to the macro-category of **military materials and armaments**, a sector that escapes private domain to root itself in the sovereign prerogatives of States and multilevel defense alliances. Under the European criminal law and economic profile, the notion of military armament presents a conceptual

scope significantly broader than the definition of firearm in the strict sense, configuring as an integrated industrial supply chain.

FOCUS

The Common Military List of the European Space

Pursuant to **Directive 2009/43/EC** (aimed at simplifying the terms and conditions of transfers of defense-related products within the Community), the categorization of war materials is governed by a binding technical Annex, periodically updated by the Council of the European Union, which defines “**defense-related products**” on the basis of requirements or technical-construction and design features explicitly oriented to military or police use. This common list includes:

- Smooth-bore weapons and automatic weapons with a caliber of 12.7 mm or greater, and related ammunition systems.
- Bombs, torpedoes, rockets, missiles, and explosive devices and equipment specifically designed for military use.
- Armored ground vehicles, tanks, warships, and related special equipment.
- Military aircraft, attack helicopters, strategic UAV drones, and electronic warfare systems.
- IT systems or photographic and electro-optical devices designed for tactical targeting or training.

This European framework interfaces with national Italian legislation, governed by the rigid prohibitions of **Law July 9, 1990, No. 185**, which establishes that the characteristics of an armament must be evaluated based on intrinsic, objective, structural criteria, regardless of whether the temporary ownership of the semi-finished product lies with a private enterprise (**Court of Cassation, Penal Section I, No. 26835/2024**). The trade and cross-border transit of such armaments are exempted from the ordinary rules of free trade within the internal market by virtue of the safeguard clause of **Art. 346 of the TFEU**, which protects the essential security interests of Member States, subjecting the supply chain to a massive administrative licensing regime aimed at preventing uncontrolled proliferation and the diversion of cargoes toward high-risk jurisdictions.

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Licensing Mechanisms and Tracking of Industrial Secrets

To balance the security of the Union with the need to consolidate the European defense industrial base, Directive 2009/43/CE introduced an innovative system of simplified administrative licenses:

- **General and Global Licenses:** Constitute the baseline rule for transfers between Member States, issued to defense undertakings previously certified by national public authorities for a **maximum period of five years**, attesting to their reliability and professional capacity to respect export restrictions.
- **Individual Licenses:** Represent an extraordinary exception, reserved for transfers presenting a higher geopolitical or public order risk, reducing the bureaucratic burden for legitimate industrial consortia.
- **The National Registry of Enterprises (*Registro Nazionale delle Imprese - RNI*):** An Italian domestic control module (held at the Ministry of Defense) that subordinates commercial operations to prior notification of contract negotiations, pursuant to Art. 9 of Law No. 185/1990, backed by up to four years of imprisonment in case of omission (a *proper crime* according to the Court of Cassation, No. 39992/2009).

This rigid double-stage scrutiny (subjective regarding operators and objective regarding operations) meets the cogent constraints of International law, prohibiting the signing of contracts and the transit of armaments toward third countries targeted by comprehensive arms embargoes decreed by the United Nations, the European Union, or the OSCE, or

toward Regimes responsible for serious violations of human rights, converting administrative customs checks into a bulwark for global stability and connecting harmoniously with the analysis of Small Arms and Light Weapons (SALW) and the Arms Trade Treaty (ATT) that follows.

III. Is There a Common Definition of Arms at The International Level?

Having defined the categories of arms and military armaments, it is necessary to examine whether consolidated definitions exist at the international regulatory level. The **Arms Trade Treaty (ATT)** stands today as the reference conventional text regarding the trade of weapons and armaments. Analyzing Art. 2, paragraph 1 of the ATT, one identifies an applicable scope similar to that of Italy's Law No. 185/1990 yet not entirely overlapping: the text enumerates eight categories of conventional arms, encompassing battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, and small arms and light weapons. Of exceptional criminological interest is the category under letter h) of Art. 2, paragraph 1 of the ATT, which is dedicated to **Small Arms and Light Weapons (SALW)**. Before arriving at specific norms for personal and portable weapons, the elaboration of international bodies focused on military armaments, understood in a broader macroscopic sense, precisely due to reasons concerning the necessity to avoid the provisioning of States and regimes that intended to deploy them in conflicts, thereby violating rules of International humanitarian law. For instance, the Resolution S/RES/713(1991), adopted in 1991 by the UN Security Council to impose an arms embargo against Yugoslavia, at the moment of the dissolution of the Socialist Federal Republic of Yugoslavia when the bloody ethnic conflict began to rage, speaks laconically of “weapons and military equipment”.

The United Nations has, however, pursued valuable interventions over the years to define and distinguish arms and armaments, by virtue of disarmament and counter-proliferation initiatives against criminal and terrorist organizations led by the Organization. This is where the definition of **Small Arms and Light Weapons (SALW)**, elaborated by a specific panel of experts mandated by the UN General Assembly, is integrated. The panel of experts defines SALW by identifying three macro-categories: personal weapons (*Small Arms*), light weapons, and ammunition and explosives.

In detail, personal weapons are those intended for the individual armament of troops (pistols, rifles, assault rifles, light machine guns), while light weapons are substantially squad-served weapons or weapons mounted on light transport vehicles (heavy machine guns, grenade launchers, portable mortars, anti-aircraft guns, and anti-tank rocket launchers). The focal point of SALW is **portability**: these are weapons that can be transported and deployed by a single person or by a small group of individuals, requiring at most light and small-sized transport vehicles. The panel recognizes in this physical characteristic a fundamental distinction compared to other types of heavy armaments, making SALW an object of specific interest for terrorist groups and criminal syndicates, as well as a central node in the execution of ground military operations and urban warfare.

REFERENCES

The Comparative Text of Law No. 185, 1990, and the Arms Trade Treaty

The comparison between the definition of military armaments under Law No. 185/1990 and the Arms Trade Treaty is interesting as both regulatory texts aim at the same objective: controlling the armaments market and preventing supplies to States that employ them in unlawful actions. The scope of application is limited to transfers of weapons destined for the military market; the civilian market, is governed by separate regulations. **Art. 2, paragraph 1 of Italy's Law No. 185/1990** classifies armaments into fifteen categories: “a) nuclear, biological, and chemical weapons; b) automatic firearms and related ammunition; c) medium and large-caliber weaponry and related ammunition [...]; d) bombs, mines, rockets, missiles, and torpedoes; e) tanks and vehicles specifically built for military use; f) ships and related equipment specifically built for military use; g) aircraft and helicopters and related equipment specifically built for military use; h) powders, explosives, propellants [...]; i) electronic, electro-optical, and photographic systems or apparatuses specifically built for military use; l) special armored materials; m) specific materials for military training; n) machinery, appliances, and equipment built for the manufacture, testing, and control of weapons and ammunition; o) special equipment specifically built for military use”. This framework is completed by paragraph 2, which references the Annex of products for defense under **Directive 2009/43/EC**.

Conversely, **Art. 2, paragraph 1 of the Arms Trade Treaty** states: “This Treaty shall apply to all conventional arms within the following categories: a) Battle tanks; b) Armored combat vehicles; c) Large-caliber artillery systems; d) Combat aircraft; e) Attack helicopters; f) Warships; g) Missiles and missile launchers; and h) Small arms and light weapons”.

The categories adopted by the ATT from letter a) to g) are the exact ones elaborated by the **United Nations Register of Conventional Arms (UNROCA)**, to which SALW are appended. This list must be coordinated with Articles 3 and 4, which extend control mechanisms to ammunition and related structural components.

A substantial and political difference between the two definition lists lies precisely in the absence, within the main text of Art. 2 of the ATT of ammunition, explosives, and component parts. The choice not to insert them into the primary list of conventional armaments was linked to political compromises that emerged during the codification negotiations: certain major manufacturing States, including Russia, the United States, and China, considered it unfeasible to strictly monitor the global transfers of bulk ammunition, fearing massive logistical and traceability difficulties. It was thus preferred to separate ammunition and explosives from the core Art. governing the scope of the Treaty, providing for them an attenuated regime. Signatory States are bound to establish a domestic mechanism of oversight over transfers, while on the international level an “alleviated” regime applies, referencing solely the prohibitions of transfer (Art. 6) and the regulation concerning import (Art. 7). The ATT does not mandate any specific and strict multilateral procedures regarding export controls for these items, guaranteeing a significant bureaucratic relief for large producer countries, but leaving a vulnerability that illicit trafficking networks attempt to exploit.

IV. What Are the Characteristics of Arms Trafficking?

The military industry has experienced exponential expansion since the Second World War. With the advent of the Cold War, armaments found, for geopolitical and economic reasons, channels to diffuse capillary across every geographic quadrant of the planet. Finally, the dissolution of the socialist bloc and the Warsaw Pact witnessed the influx

onto the illegal market of massive quantities of weapons and surplus military stocks, sold off by private actors and unfaithful officials to the highest bidder in local conflicts or integrated into the arsenals of transnational criminal organizations.

The global market for conventional weapons exhibits macro-economic dimensions of remarkable scale, constituting an indispensable component of GDP for many exporting countries and generating millions of jobs within the industrial sector. The contemporary scenario of **2026** is marked by the impact of two macro-criminological accelerators: the Covid-19 pandemic, which triggered a pathological surge in the demand for weapons within the domestic civilian market (fueled by the illusion among private citizens that owning a firearm enhances personal protection), and the Russian invasion of Ukraine, which forced European States to dramatically revise their defense expenditures upward, launching a period of structural rearmament, also boosted by the Hormuz Strait crisis. Under the statistical profile, data compiled by the **UNODA (United Nations Office for Disarmament Affairs)** show that already in 2019 - prior to the pandemic crisis and the Ukrainian war - global military expenditure had reached **1.9 trillion dollars**, representing a 76% increase compared to the historic low recorded in 1998 following the post-Cold War disarmament.

The analysis of illicit trafficking focuses exclusively on the sector of conventional weapons, omitting the trafficking of bacteriological, chemical, and nuclear weapons (weapons of mass destruction), whose oversight is governed by separate special treaties and whose circulation on the black market is statistically marginal. To grasp the scale of the illicit market, this financial data must be coordinated with the volume of conventional light weapons in circulation: according to estimates compiled by the **Small Arms Survey**, there are over **1,013 million small arms and light weapons** in circulation globally. The most alarming element resides in the fact that approximately **85% of this global arsenal is held by civilian subjects**. In this scenario, a primary role is played by the United States of America, whose regulatory tradition regarding the carrying of weapons finds formal constitutional protection within the celebrated **Second Amendment of the United States Constitution**.

Faced with this massive volume, criminal organizations and terrorist cells exploit numerous customs blind spots and porous borders of transit countries to feed the black market. The smuggling of weapons qualifies as an eversive commercial activity of extreme profitability: weapons are the indispensable instruments to enforce territorial control and extort wealth, prompting both mafia cartels and eversive movements to reinvest substantial portions of their illicit profits from narcotrafficking or money laundering into purchasing firearms. In studying the phenomenon, it is necessary to operate a sharp division between military armaments (battle tanks, artillery), whose production and trade remain firmly within the domain of sovereign States and registered operators, and civilian weapons (SALW), which form the primary object of cross-border illicit trafficking managed by criminal networks.

The configuration parameters of illicit arms trafficking are:

- **The Illicit Origin of the Goods:** The trade has as its object weapons that constitute the direct or indirect proceed of theft, robbery, embezzlement, or original clandestine manufacturing.
- **The Unauthorized Status of the Actors:** The operations of import, export, brokering, or cross-border transit are conducted by private actors or corrupt white-collar professionals completely lacking the necessary licenses or ministerial authorizations, or acting in open violation of international embargoes.

In the majority of practical and investigative cases, these two variants of illegality overlap stably: firearms of stolen or clandestine origin are moved, both domestically and internationally, by criminal networks lacking any legal title, who carry out this activity professionally and reap immense profits. Likewise, regarding commercial transactions and logistical transfers executed directly by state actors, any flows executed in flagrant violation of domestic statutory rules or binding international treaties are configured as illicit.

The weapons and armaments market constitutes for States a voice of primary importance within the commercial balance. Exporting countries manage these cross-border commercial relationships with extreme care, not only due to its high economic profitability, but also and above all for strategic reasons of geopolitical influence. Since the early years of the Twentieth century, the supply and transfer of weapons systems have been an integral part of the foreign policy of Governments, from West to East, and the illicit trafficking of armaments itself must be analyzed through this lens. Rather than for mere financial profit, States have historically provided - and continue to provide - weapons in violation of domestic and international norms to assist allied Governments, resistance Regimes, or national liberation Groups in accordance with specific dynamics of political influence.

Under the profile of contemporary military history, one can consider the supply of armaments destined for Ukraine, which Western Governments have maintained uninterruptedly since before the invasion of February 2022. Initially, the United Kingdom and the United States played a fundamental role in supplying state-of-the-art anti-tank weapons systems to Ukrainian forces, constituting an indispensable aid that decreed the substantial failure of the *blitzkrieg* attack launched by Russian ground forces. In particular, the defensive capability demonstrated on the field thanks to the massive deployment of Javelin portable guided missiles halted the advance of Russian armored vehicles.

If illicit or suspicious transfers are located in a dense diplomatic shadow zone, often facilitated by the application of State secrecy to shield them from the oversight of opposition parties and civil society, there are also commercial transfers that, while completely lawful and formal under the administrative profile, raise profound questions of ethics and political opportunity.

FOCUS

The Debate on Military Supplies and the Case of the FREMM Frigates to Egypt

An emblematic example for the EU-GLOBACT module is the supply contract signed between the Italian Government and the Arab Republic of Egypt regarding the sale of six **FREMM (*Fregate Europee Multi-Missione*)**, warships of extremely high technological and combat value produced by national shipyards. A fierce debate ignited within Italian public opinion and parliamentary chambers regarding the opportunity of executing this export program; the commercial operation took place at a historical moment when diplomatic relations between Rome and Cairo were extremely strained and deteriorated, following the tragic news events concerning the citizens Giulio Regeni and Patrick Zaki, highlighting the perennial conflict between the industrial interests of defense and the respect for human rights enshrined in Art. 11 of the Constitution and international treaties.

CASE STUDY

**The Iran-Contras Scandal and the Judgment of the International Court of Justice
(Nicaragua v. United States)**

An example of extraordinary dogmatic relevance for students is the transnational affair denominated “**Iran-Contras**”, which is framed within the celebrated judgment delivered by the International Court of Justice (ICJ) in the case of *Nicaragua v. United States*. During the bloody Iran-Iraq war (1980-1988) - triggered by the invasion of the Iranian regions of Khuzestan and Kurdistan ordered by the regime of Saddam Hussein - the Government of Iran found itself in a state of desperate need for military material. However, following the Islamic revolution of 1979 and the dramatic diplomatic crisis arising from the seizure of the US Embassy compound in Tehran, commercial and formal relations between Washington and Iran had been severed.

In this complex geopolitical scenario, the US Administration was nevertheless interested in restoring contacts with the Islamic Republic of Iran, harboring a strong interest in the solid petroleum *export* that the country could guarantee. This led to the design of a secret scheme to supply armaments to Iran, **deliberately bypassing the arms embargo that had been voted, following the diplomatic crisis, by the United States Congress itself**. Operating behind the logistical cover provided by the Israeli Government, in 1985 the US Administration led by President Ronald Reagan approved the transfer of a hundred **TOW wire-guided anti-tank missiles**. The commercial operations enlisted the financial and brokerage support of the celebrated Saudi arms dealer Adnan Khashoggi and the Iranian entrepreneur Manucher Ghorbanifar. In the same year, later the in the same year, Iran received an additional 408 TOW missiles via Israel, corresponding secret payments for several million dollars.

The illegal supply of weapons to the Islamic Republic of Iran constituted for Washington officials an opportunity for the **parallel financing of “shadow” operations conducted in Latin America**, in accordance with the geopolitical dictates of the historical *Monroe doctrine*. In 1979, the Sandinista regime of Marxist-communist inspiration had established itself in Nicaragua, launching a policy of expropriation and nationalization of resources. The United States Government, fearing the expansion of communist influence in El Salvador, began to militarily support the *Fuerza Democratica Nicaraguense* (FDN, better known as the **Contras**). The intensity of the US intervention registered an asymmetric crescendo, moving from a mere nod of approval toward the provisioning of weapons to a true direct military support led by CIA operatives, who executed attacks against Nicaraguan military installations and deployed the **clandestine mining of the country's commercial bays and ports**.

At the highest levels of the US executive and the CIA, it was decided to channel the financial flows and proceeds from the secret sale of weapons to Iran directly into financing military operations in Nicaragua, **thereby bypassing the budgetary obligations and amendatory acts of Congress (the Boland Amendment) that strictly forbade opening spending lines in favor of the Contras**. In this way, several million dollars derived from the black market of TOW missiles were destined to provide the Contras with armaments, logistical support, tactical training, and occult funds for the recruitment of mercenaries.

Leaving aside the heavy institutional and internal political consequences that followed in the United States, the affair has assumed a fundamental dogmatic value before the **International Court of Justice**. With a landmark judgment delivered in 1986, the ICJ solemnly affirmed that the operations conducted by the United States violated Customary international law, standing in open opposition to the principle of the state sovereignty of Nicaragua. Furthermore, in rejecting the justification raised by the United States that the actions were covered by the principle of collective self-defense, the Court affirmed that the financial and logistical assistance, training, and supplying of weapons to rebel forces and paramilitary formations **constitutes a violation of the peremptory norm (*ius cogens*) of the prohibition of the use of force in international relations**, motivating the inadmissibility of self-defense with the absolute absence of a direct and actual armed threat by Nicaragua, fixing a cornerstone of international law against the illicit procurement of armaments.

As observed through the analysis of the Iran-Contras scandal, private operators perform a role of fundamental logistical and executive relevance within the trafficking of armaments. Whether private citizens acting as arms dealers and facilitators, or commercial companies offering their industrial infrastructure to conceal trafficking designed by state apparatuses, these represent essential hinge actors. While state actors are ordinarily moved by political reasons and geopolitical projection, private operators find in the pursuit of personal profit the primary engine of their economic interest. Under this profile, the black market for weapons moves a volume of business estimated in billions of dollars per year: final buyers are indeed subjects strictly cut off from legitimate commercial circuits due to embargoes, sanctions, and interdictory measures adopted by States or international Organizations, or criminal actors requiring weapons supplies that fall outside the systems of traceability made mandatory by public authorities.

The situations of chronic political instability and ethnic conflicts constitute exceptional business opportunities for traffickers. These crises not only cause an explosion in the demand for weapons lacking forensic marking, but also allow networks to directly access the arsenals and depots of those States and regimes that are dissolving: one can consider the dissolution of the Soviet Union and the rapid, uncontrolled reallocation of weapons and military surpluses of the Red Army into the civil conflicts of Central Africa and the theaters of war in the Balkans during the 1990s.

The black market is present and proliferates also within wealthy Western States, structuring operational times and modalities designed to elude the action of control authorities that are certainly more attentive and equipped with advanced investigative technologies. In areas of the world characterized by greater political and legal stability, the black market for weapons operates of itself as a potent factor of social destabilization, feeding and supporting the activities of indigenous organized crime. One can consider the massive military arsenals of cross-border origin seized on multiple occasions by police forces from *Camorra* clans or *Mafia* families, as well as the assault weapons employed for the commission of heinous terrorist attacks on European soil: in the tragic attack perpetrated in Paris against the headquarters of the newspaper *Charlie Hebdo*, the eversive hit squad effectively deployed assault rifles and war weapons of Soviet manufacture and derivation.

Criminal organizations also exploit the illicit arms market as a formidable subsidiary tool for **money laundering** and the reinvestment of dirty capital derived from other criminal activities, such as narcotrafficking. The purchase of weapons configures as a long-term patrimonial investment, which allows the acquisition of durable, non-perishable goods capable of consolidating the intimidation power of groups. Since weapons are durable goods, buyers recognize in them surrogates of value and means of investment, which can be rapidly liquidated and resold on the black market the moment the clan requires immediate financial liquidity.

Under the profile of the analysis of illicit markets, doctrine and intelligence agencies operate a sharp conceptual and structural division between the “black” market and the “grey” market for weapons:

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The Bipartition between Black and Grey Markets

- **The Black Market for Weapons:** Identifies the proper and totally illegal circuit, within which domestic statutory norms and supranational treaties regarding ballistic control are openly and deliberately violated at every stage of the supply chain, from clandestine manufacturing to border smuggling.
- **The Grey Market for Weapons:** Defines that opaque sector where formally qualified and authorized actors interact, possessing regular commercial licenses or institutional titles to operate legally (e.g., state officials, defense enterprises registered in the RNI, accredited professionals), who trade weapons of illicit origin, alter the end-use destinations of **End-User Certificates**, or knowingly violate international embargoes and prohibitions for geopolitical ends or occult profit.

Among the two dimensions of the phenomenon, it is precisely the **grey market** that presents the greatest and most insidious challenges for investigative bodies: not only due to its massive macro-economic and financial scale, but also due to the professional qualities and status of the white-collar actors operating within it, who exploit the folds of legislations and corporate shielding to render the preventive and repressive approach of police forces extraordinarily complex.

Illicit trafficking must therefore be considered as an integral and interconnected part of the business of large transnational organizations, whose dynamic can be understood exclusively through a holistic approach. Similar to the trafficking of narcotics, the executive chain records the presence of multiple specialized intermediaries connecting the different ends of the transaction: these “**Middlemen**” (**brokers**) manage the logistical transfer of weapons, documentary falsification, and the concealment of transport until delivery to the final recipient.

These specialized intermediaries manage in parallel the laundering of the proceeds from sales. It must indeed be considered that many transactions are not only settled through payment in currency or cash but are also perfected through the transfer and barter of precious materials of illicit origin, such as gold or conflict rough diamonds (*blood diamonds*). One must not underestimate, in this sense, the indissoluble eversive link connecting illegal mining operations - especially in the areas of sub-Saharan Africa - with the direct financing of firearms purchases by warlords and transnational criminal groups, binding itself on the Eurocrime of money laundering and corruption.

V. Where Do Arms Originate From?

Inquiring into the channels of origin of weapons is fundamental for understanding the dynamics regulating the clandestine market and for designing truly effective regulatory and inspection strategies. The origin of illicitly trafficked weapons, first of all, is not always originally illicit. It can indeed involve armaments legitimately manufactured and purchased, often by state organizations, which are subsequently moved in violation of domestic or international norms. Furthermore, there are cases where state arsenals are decommissioned and sold without the necessary precautions and checks on the recipients or are purchased by “convenience” companies (*shell companies*) that present only formally the legal requirements and are employed by intermediaries to immediately transfer the weapons to the final buyers, bypassing controls. These are cases typically traceable to the shadow zones of the “grey” market.

Regarding origin *strictu sensu* illicit, financial forensics and transnational criminology must distinguish five fundamental hypotheses:

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The Five Revenue Sources of the Clandestine Market

- **Firearms derived from crime:** Originally lawful devices that are stolen from legitimate owners through theft or robbery, fenced, and injected into the black market. In these cases, the illicit origin can be wholly or partly dissimulated, reaching the point of selling weapons even to subjects entirely detached from mafia or criminal logic.
- **Weapons diverted from the destruction chain:** Ballistic material that is unlawfully abstracted and diverted from regular scrapping or deactivation processes. This is a procedure involving multiple actors, both private and state, whose deficiencies in hand-to-pass operations allow the diversion of devices that, although formally registered as destroyed or unserviceable, are relocated intact onto the black market.
- **Reactivated or modified weapons:** Devices that, after being subjected to regular deactivation, are placed back in a condition to function and fire, mechanically subverting the modifications undergone (such as the welding of the barrel or the removal of the firing pin). A similar fate concerns certain types of antique weapons that, although models of very new design, can be appropriately retrofitted to result still lethal and efficient.
- **Transformed replicas and blank-firing weapons:** Instruments that originate as simple replicas incapable of causing harm, but which are specifically modified and machined so that they can expel projectiles and utilize common ammunition. This is the case of “blank-firing” weapons (*blank firers*), purchasable freely and without particular formalities, which can be transformed into functioning weapons with mechanical processes that are rather rudimentary, such as the milling for chip removal of the barrel obstruction to allow the deployment of ordinary ammunition.
- **Weapons of artisan and clandestine manufacture:** Devices manufactured outside authorized industrial channels, devoid of patents, identification marks, trade brands, and serial numbers, resulting totally unregistered and untraceable by police databases.

Regarding this latter category, in some areas of the world (such as the border regions of Pakistan, in the celebrated district of Darra Adam Khel), true realities of similar-industrial manufacture of weapons have developed, faithfully built by replicating the most common models on the market (such as assault rifles of the AK platform or semi-automatic pistols), manufactured at extremely contained prices. These artisan productions, often tolerated at a local level because they create jobs in areas with heavily depressed economies, contribute significantly to feeding the global black market, constituting a powerful factor of political instability in areas where state authority is deficient or insufficient. The control and repression of this genus of occult manufacture are hindered by the market itself: artisanally manufactured weapons have prices significantly lower than weapons of other origin, not having to compensate for shipping costs, duties, and import licenses, altering the rules of competition and frustrating traditional disarmament efforts.

The economic analysis of clandestine artisan productions highlights a macroscopic tariff imbalance compared to industrial channels, which reflects on the capacity of penetration of illicit markets. Under the profile of financial forensics and applied criminology, an empirical finding of exceptional relevance is offered by the comparative study conducted in the specific geopolitical theater of **Nigeria**, whose analytical data - extracted from the scientific report of Matthias Nowak and André Gsell entitled *Handmade and Deadly: Craft Production of Small Arms in Nigeria* for the *Small Arms Survey* - certify the extreme economic competitiveness of artisanally manufactured weapons compared to industrial weapons of foreign origin.

Examining the tariffs, an assault rifle with automatic operational capacity (on the model of the AK-47 platform) presents a minimum local artisan production price of just 133 USD and a maximum price of 177 USD, compared to a foreign industrial cost oscillating between a minimum of 1,034 USD and a maximum of 1,330 USD. In the short weapons sector, a semi-automatic pistol (on the model of the Beretta 92 FS) is manufactured artisanally at a price between 266 and 355 USD, while the imported industrial counterpart requires an expenditure between 532 and 739 USD. Finally, for smooth-bore single-barrel shotguns (of the pump-action type), the price of local clandestine manufacture varies from a minimum of 41 USD to a maximum of 74 USD, where the official industrial channel stands at levels between 118 and 148 USD. Artisanal production of weapons, especially in recent years, has begun to find widespread and worrying commercial penetration also within countries with advanced economies, qualifying as a low-cost and high-lethality alternative to what is legally or illegally available on the traditional market.

It must finally be considered how, during prolonged asymmetric warfare or guerrilla actions, there may be the passage of hand and the diversion of entire small state arsenals or logistical depots. One can think, as a macroscopic example, of the complex military parable of **Afghanistan**, a territory that over the last fifty years has recorded the alternating on the field, first, of Soviet military forces and, subsequently, of NATO contingent forces. The weapons supplied through complex occult channels of triangulation (*Operation Cyclone*) by the United States of America to *mujahideen* rebels to counter Soviet warfare actions during the 1980s were subsequently and effectively deployed by the same groups against NATO coalition forces within the ISAF mission.

Furthermore, at the moment of the withdrawal of Western military contingents in 2021 - executive following the Doha Accords signed in 2020 between the US Administration and the Taliban junta - massive stocks of small arms, heavy ammunition, targeting equipment, and armored tactical vehicles fell directly into the hands of Taliban militias, which formally assumed the country's political leadership. Although there are, at the current state of intelligence findings, no incontrovertible evidences regarding the immediate injection of those weapons - already supplied to NATO forces and the regular Afghan army - into the global black market, one can well understand how the absolute absence of customs controls and rigorous domestic tracking systems facilitates and renders highly plausible the cross-border movement of such arsenals, in flagrant violation of international law norms.

The historically most notorious and disruptive case of mass entry into the black market of ex-ordnance weapons is represented by the fate that affected the massive arsenals of the Armed Forces of the Soviet Union, following the formal dissolution of the State in December 1991. To this day, light conventional weapons (SALW) of Soviet derivation and design constitute some of the most widespread weapons globally, qualifying as the firing instruments of choice by terrorist groups and transnational organized crime cartels to assert territorial control and launder the proceeds of illicit markets.

It is appropriate, finally, to dwell on the complex dynamics through which weapons are concretely moved toward the final buyer. As previously highlighted, a fundamental role in this chain is performed by intermediaries. Differently from other typologies of illicit trafficking, such as that of narcotics, in weapons trafficking there is not always a direct wire between the manufacturer and the final buyer, having to imagine rather a series of fragmented lines. Revenue sources are multiple and multiple are the figures managing the different stages of the movement. First of all, there are subjects managing the apprehension of weapons, meaning the diversion of the same from industrial production

lines or depots; in this stage are located also the criminal groups or agents interested in thefts, both specialized in the matter and belonging to local petty crime. Weapons are subsequently passed to fences who locate them on the black market, managing storage and cross-border transfer.

It must be taken into consideration that the movement of weapons and ammunition requires particular precautions compared to other illicit traffics, as well as heavy logistical structures capable of managing non-negligible volumes and weights. The role of intermediaries is, therefore, fundamental not only under a strictly commercial profile, to locate goods on the market and supply buyers willing to pay the highest price, but also to allow the bypassing of state controls on heavy, voluminous shipments that often require special cautions, necessary to avoid the deterioration of goods or connected catastrophic risks.

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Storage Risks and the Example of the Beirut Devastation, 2020

One can think, above all, of the cautions connected to the transport and storage of explosive materials or chemical precursors: on August 4, 2020, a extremely violent explosion devastated the port and the Lebanese capital **Beirut**, originating from a port warehouse where several tons of ammonium nitrate were improperly and illegally stored. This is a material deployed ordinarily in agriculture but used also by terrorist networks for manufacturing improvised explosive devices (IEDs), demonstrating how the logistics of sensitive materials requires rigid protocols of traceability.

Logistical precautions are necessary also to bypass increasingly sophisticated control technologies deployed by customs and police authorities at border checkpoints. For example, the deployment of increasingly refined metal detectors and X-ray scanners, capable of returning a three-dimensional image of scanned enclosures, requires a particular “engineering” of illegal weapons cargoes, concealed behind lead shielding or inside high-density legal goods. Also, the deployment of **canine units (K9)**, effectively deployed to sniff out weapons, forces traffickers to devise alternative itineraries or chemical subterfuges to mask the scent: similarly to what happens for narcotic substances, police dogs “sniff” weapons thanks to the particular and persistent odor emitted by **chemical oils used for lubrication, cleaning, and conservation of mechanical parts** and the barrel.

The intervention of specialized intermediaries is, therefore, indispensable to guarantee logistics and cover, also under a judicial profile, to shipments of several tons. To this, are added the **documentary falsifications** necessary to accompany and cover shipments, capable of dissimulating the presence of weapons inside a standard commercial shipment (e.g., declaring them as industrial spare parts or piping) or providing the same with a false appearance of international legality through the counterfeiting of certificates of end-user (**End-User Certificates**).

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The Otterloo Ship Affair and the Corruption Network in Colombia

The case of the vessel “**Otterloo**” testifies how weapons belonging to State armed forces can transit under the control of criminal groups, due also to the connivance of corrupt public officials. In 1999, approximately 3,000 assault rifles, of the AK-47 type, and more than two million rounds of 7.62x39 caliber ammunition, part of the arsenal of the Nicaraguan National Police, were transferred to the Colombian paramilitary terrorist organization AUC (*Autodefensas Unidas de Colombia*). The transfer originated as a lawful agreement between the Nicaraguan Police and a Guatemalan enterprise (GIR S.A) specialized in the weapons trade: in exchange for the stock of Kalashnikov rifles of older manufacture, the Police would update its arsenal with modern pistols and submachine guns of Israeli production (including mini-Uzi). The enterprise GIR S.A was represented, in the agreement, by the intermediary of Israeli nationality Shimon Yelinek, who claimed to negotiate on mandate of the Panama Police.

The weapons, having left Nicaraguan depots, were loaded onto the merchant vessel Otterloo, which was supposed to transport them to Panama, the place of delivery to the buyer. Instead of being delivered to Panama, however, the weapons were unloaded at the port of Turbo (Colombia) and from there transported via truck into the jungle, toward the bases of the AUC. In the recesses of the shipment, Yelinek concluded a second agreement with the Nicaraguan National Police for the purchase of an additional 5,000 rifles and over 17 million rounds of ammunition: an agreement that, however, did not pass to execution following the intervention of Nicaraguan and Colombian security services, which had discovered the diversion of the first shipment.

The investigations that followed, including one conducted by the **Organization of American States (OAS)**, demonstrated how the delivery to the AUC organization was rendered possible by negligent and, in some cases, intentional conduct of state officials, both Nicaraguan and Colombian. Particularly, it was ascertained how the operation was rendered possible by the corruption, by the intermediaries, of high-ranking officers and Nicaraguan and Colombian customs officials. Upon push from the Colombian Government, the OAS adopted a series of recommendations to the involved States, Nicaragua, Panama, and Colombia, as well as to all other States of the Organization to avoid future disappearances of weapon stocks and to reduce the impact of corruption in armaments matters.

The corruption of employees at the organs deputed to control and the falsification of shipping documents allowed the supply of weapons and ammunition to the benefit of the paramilitary organization FARC (*Fuerzas Armadas Revolucionarias de Colombia*) by Peruvian government officials. Several thousand AK-47 rifles and relative ammunition, sold by the government of Jordan to Peru, were air-dropped directly into the Colombian forest, near the bases of the FARC. Subsequent investigations ascertained the central role of **Vladimiro Montesinos Torres** (involved in other cases of corruption and facilitation to organizations dedicated to narcotrafficking, he was sentenced to 20 years of imprisonment for supplying weapons to the FARC), chief of the Peruvian secret services, who designed and coordinated the operation in exchange for massive quantities of cocaine, to be located on the international market.

VI. What Contribution Do New Technologies Offer?

Technological evolution has always played a prominent role in armed conflicts, pushing toward the design of more sophisticated and powerful armaments, capable of offering a tactical advantage on the battlefield. With the advent of the XXI Century, *electronic warfare* (electronic warfare) has assumed an increasing centrality, recording at the same time the appearance of *cyber warfare*, meaning the execution of hostilities and cyber sabotages against digital infrastructures both civilian and military. Also, Artificial Intelligence (AI) finds application inside complex and multirole weapons systems, aimed

at reducing the cognitive workload for the human operator. The criminal phenomenon of ballistic smuggling has not remained isolated from this transition. It records indeed the offer, on the illicit market, of increasingly advanced weapons, but also the adoption of occult production and trade techniques making wide use of recent discoveries in the digital, cybernetic, and manufacturing fields.

Under the profile of air vector technology, a disruptive impact is exercised by the diffusion of **drones**. If UAV aircraft (*Unmanned Aerial Vehicles*) are by now, for over two decades, an integral part of the strategic arsenals of major world powers, the most recent scenarios record the appearance of **FPV drones** (*First Person View*). Born originally for recreational and civilian purposes, characterized by modest operational and production costs, these small radio-guided aircraft (with some wire-guided variants appeared in Ukraine) have found a highly relevant application on the battlefield. Procured with extreme ease on legal commercial markets, they are modified through installing war loads to transport improvised devices, usually small bombs or mortar grenades, being deployed with devastating effects both in anti-personnel function and against heavy armored vehicles.

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The Lethality of FPV Drones and Counter-Measure Defense Systems

These technological instruments fall perfectly within the modern concept of SALW (Small arms and light weapons), offering a significant asymmetric advantage against an extreme ease of concealment, transport, and deployment on the field, maintaining reduced unit costs in the order of a few hundred dollars. The Russian-Ukrainian conflict testifies to the lethal effectiveness of FPV drones thus modified, capable of infiltrating deep behind enemy lines and causing severe damage to logistical infrastructures and to strategic bombers valued at several million dollars.

The deployment of armed commercial drones for criminal, smuggling purposes, or for terrorist ends constitutes a concrete threat monitored by States: inside Italian law enforcement and the Armed Forces (with specific reference to the Italian Army and the Air Force) specific **specialist units equipped with anti-drone capabilities** (*Counter-UAS*) have been established, deployed to garrison sensitive institutional objectives or during large public demonstrations to intercept and inhibit the radio frequencies of hostile vectors.

On the parallel front of the clandestine manufacture of self-produced weapons, the technological transition has offered an equally significant and alarming contribution through the diffusion of **weapons manufactured via 3D printing** (commonly denominated in doctrine “**Ghost Guns**”). Tridimensional printing technology allows the fabrication, starting from a simple digital design file (e.g., CAD models or STL codes distributed in the dark nets of the *Dark Web*), of mechanical objects with complex shapes in polymeric plastic material, in reduced times and without the need to possess industrial machinery, foundries, or special workshop equipment.

The production of weapons partially or entirely manufactured in polymeric materials constitutes a reality consolidated for years in the official industrial sector (think of the extensive use of polymer frames in modern pistols like Glock); consequently, weapons manufactured via domestic 3D printing manage to reach levels of efficiency, mechanical resistance to shooting pressures, and ballistic reliability wholly comparable to those of industrial weapons. Under the profile of internal security of the Area of freedom, security and justice, the element of maximum vulnerability resides in the **capacity of polymeric weapons printed in 3D to pass completely unobserved by traditional metal detector control systems** and magnetic checkpoints at borders or airports.

This structural characteristic of total a-magneticity, combined with the absolute absence of identification marks, trade brands, or serial numbers stamped on the frame, zeroes the ordinary channels of investigative traceability of police forces. Such a factor sustains the demand for weapons manufactured with this technique by lone wolves, eversive cells, and unfaithful white-collar workers operating in black markets, binding itself with the need to extend the obligations of the anti-money laundering system and of cooperation between FIUs also to monitoring the financial flows connected to purchasing industrial printers and plastic precursors.

New digital technologies offer, furthermore, refined and cutting-edge computer tools for logistical management and financial masking of illicit armaments trafficking. Inside the eversive value chain, intermediaries and commercial brokers are precisely those who deploy the most advanced technological instrumentation in the occult management of economic transactions and transport vectors. The infrastructures of the **Deep Web**, the immutability of the **Blockchain**, and the deployment of **virtual currencies and cryptocurrencies** (such as Bitcoin or Monero) constitute the standard instruments recently employed to strike commercial agreements, publicize clandestine weapons catalogs, and exchange massive masses of cash escaping radically from ordinary monitoring loops of banking and judicial authorities.

Artificial Intelligence (AI) is effectively deployed by ecomafias and smuggling cartels to rationalize and optimize logistical activities and material resources deployed on the field. Predictive algorithms facilitate criminal actors in the analytical study of vulnerabilities of national customs and border infrastructures through which move cargoes of weapons, but it operates also to identify in real time which States and jurisdictions offer less severe administrative regulations and more porous border controls, allowing the execution of a true strategy of **regulatory and border “Forum Shopping”**.

As widely demonstrated for other macro-criminal phenomena examined (such as corruption or money laundering), also in this juncture it turns out to be of fundamental importance, for national and supranational investigative authorities, being able to follow backward the financial traces of payments, to trace back to the sources of provisioning of traded weapons. Aware of this investigative priority of financial forensics, criminal operators prefer deploying cryptographic monetary instruments with very high volatility and anonymity, which allow fragmenting, concealing, or erasing definitively their own accounting traces during the three stages of money laundering.

In response to these insidious technological threats, new computer technologies and Artificial Intelligence itself offer today investigators and penal magistrates instruments that are equally powerful and cutting-edge.

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The Interoperability of Cooperation Agencies on Blockchain Forensics

Starting from the interconnection of protected and shared telematics databases between multiple public authorities of different States, investigators prefer a modern investigative approach centered on the analytical study of intrinsic weaknesses of national security systems and regulatory frameworks, crossing macro-economic and social data collected over the years on the smuggling phenomenon. Transnational police and judicial cooperation agencies are particularly active in developing this integrated technological shield:

- **INTERPOL:** Coordinates the management of the global database **iARMS (*Illicit Arms Records and Tracing Management System*)**, a computer platform allowing the cataloging, identification, and immediate international tracking of firearms lost, stolen, or seized in the various smuggling theaters of the planet.
- **Europol:** Through its specialized center against organized and economic crime, deploys sophisticated Artificial Intelligence systems to analyze forensic *big data* and logs extracted from the *Deep Web*, finding occult connections, overlaps, and similarities between different police investigations led by Member States.
- **Eurojust:** Intervenes on the front of penal judicial cooperation to coordinate the action of European magistrates and prosecution offices, facilitating the transmission of encrypted digital evidence, establishing Joint Investigation Teams (JITs), and resolving cross-border jurisdiction conflicts to build multilevel counter-strategies that optimize resources and maximize repressive results.

VII. What Weapons Counter-Strategies Have Been Undertaken by the United Nations?

The initiatives to counter the illicit trafficking of weapons undertaken by the United Nations must be divided into two distinct dogmatic categories:

- Initiatives concerning the sale of weapons and military armaments intended to equip regular troops, where States are the primary actors.
- Instruments concerning transactions of civilian weapons, aiming to prevent them from falling into the hands of criminal and terrorist organizations.

Over the years, the United Nations has developed various regulatory instruments and targeted actions to create an international framework capable of preventing commercial operations toward regimes or groups that violate human rights or commit international crimes. These are supplemented by operational cooperation activities managed by specialized agencies, most notably the **UNODC (United Nations Office on Drugs and Crime)**.

It was only after the conclusion of the Cold War, when asymmetric conflicts and political instability led to dramatic humanitarian consequences - such as the ethnic war in the former Yugoslavia and the genocide in Rwanda - that a holistic counter-strategy emerged. Initially built upon the coercive measures adopted by the Security Council under Chapter VII of the UN Charter (specifically arms embargo decrees), flexible *soft law* initiatives were promoted, including the **UNROCA (*United Nations Register of Conventional Arms*)**. The positive experience and historical consolidation of the Register, which saw a significant number of accessions and participation, played a key role in driving the political will toward a broader, binding instrument. In 2001, within the framework of the United Nations Disarmament Program, the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (PoA)* was adopted. This non-binding *soft law* act, utilizing a multi-level approach, anticipated the preceptive

content and tracking mechanisms of the subsequent Firearms Protocol supplementing the Palermo Convention.

Regarding the transfer of heavy military armaments between sovereign States, the primary international public law regulatory instrument is the **Arms Trade Treaty (ATT)**. Adopted by the General Assembly of the United Nations on April 2, 2013, the text was opened for multilateral signatures in June 2013, entering into force internationally on December 24, 2014, upon reaching its fiftieth ratification.

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The Pillars and Risk Assessment in the Arms Trade Treaty

The ATT, developed and structured with the technical and documentary support of the **UNODA (United Nations Office for Disarmament Affairs)**, establishes common, universal, and strict standards for international armament transfers. Under these rules, national authorities are legally bound to establish and maintain dedicated domestic control systems. The primary purpose and *ratio* of the Treaty are to safeguard fundamental human rights and minimize the risk of *escalation* in war zones by imposing absolute transfer prohibitions and codifying rigid, prior **Risk Assessment procedures**. The ATT serves as a crucial intersection between the demands of safeguarding international peace and security and the protection of human dignity, while concurrently protecting state sovereignty and the right to territorial integrity.

Under the profile of the scope of application, the commercial operations regulated by the ATT encompass material export and import activities, as well as customs transit through national territories and cross-border intermediation or *brokering* conduct.

REFERENCES

Arms Trade Treaty, 2013

Art. 6, concerning absolute transfer prohibitions, re-emphasizes the non-derogable obligation to comply with coercive measures adopted by the UN Security Council under Chapter VII of the UN Charter, highlighting the legal weight and penal binding nature of arms embargo Resolutions. Art. 6 also reaffirms the prohibition of export if the operation violates other international conventional agreements signed by the State.

The provision of greatest significance for international criminal justice is contained within **Paragraph 3 of Art. 6**, which reads verbatim: “3. A State Party shall not authorize any transfer of conventional arms covered under Art. 2 (1) or of items covered under Art. 3 or Art. 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party”.

This provision places a stringent obligation on States Parties, binding them to implement rigorous scrutiny and assessment procedures for individual commercial operations, requiring the denial of an export license if a concrete danger of violating *ius cogens* rules exists. The norm requires that the exporting State possess awareness of the illicit use (“*it has knowledge*”), a cognitive element that does not necessarily need to be current or imminent, as it is sufficient for it to fall within a framework of high probability.

What the exporting State is called upon to activate is not an enforcement action abroad, but rather the implementation of administrative and forensic standards of risk evaluation, determining based on a rule of judgment akin to the “**more likely than not**” standard that the armaments and semi-finished military goods will not be diverted or employed for illicit purposes, connecting trade transparency with global security.

Art. 6 thus imposes a triple check on transfer operations, which acts as a preliminary step before the further technical assessments required by the subsequent regulatory framework of Art. 7. In the event that one of the absolute prohibition hypotheses under Art. 6 is not clearly detected, armament export operations can only be authorized after a deeper security check.

Indeed, **Art. 7, Paragraph 1** mandates the exporting State to verify that the ballistic material or component will not be used by the importing State to undermine international peace and security or be used to commit or facilitate serious breaches of International humanitarian law, Human rights law, or to commit or facilitate transnational activities that constitute crimes under international Conventions governing terrorism or organized crime. Looking at the literal and systematic tenor of the norm, it is evident that actual, ongoing violations on the field are not required by the sources, as the mere potentiality or risk of diversion (*diversion*) is sufficient.

The exporting State is bound to assess the appropriateness of granting the authorization in light of all information available at that moment, whether provided directly by the importing State through diplomatic channels or otherwise inferred via *intelligence* activities. The final decision regarding the issuance of the license is made by taking into account the specific offensiveness of the weapons (**Paragraph 4**), as well as evaluating the implementation of appropriate risk mitigation measures agreed upon between the Parties (**Paragraph 3**), such as secure storage systems or post-delivery verifications.

Furthermore, **Paragraph 7 of Art. 7** explicitly provides that, once an export authorization has been formally granted, the exporting State retains the inalienable right and duty to re-evaluate the overall geopolitical situation should fresh indicting information emerge or a sudden change occurs in the state of facts or the destination theater. More flexible and elastic are the conventional rules governing imports (Art. 8), customs transits (Art. 9), and intermediation or *brokering* (Art. 10), which require States to establish domestic coordination and control models over logistical and financial operations, a rigor extended to Art. 11 to prevent the hijacking of shipments. Central to these ends is the obligation of documentation and periodic reporting of commercial operations, enabling effective cross-checks by the United Nations.

VIII. What is the European Union's Regulatory Framework on Armament Transfers?

The European Union represents, much like in other major commercial sectors, one of the primary global points of reference for the manufacture and transfer of arms and armaments, given the concentration of many of the world's leading industrial and manufacturing complexes of the defense sector within its territory. The Union configures as one of the most authoritative global actors in strategies countering ballistic smuggling; in this regard, the Commission formally committed the EU policy by acceding, in 2014, to the Firearms Protocol supplementing the United Nations Convention against Transnational Organized Crime (UNTOC).

The primary sector of intervention lies within the competencies of the **Common Foreign and Security Policy (CFSP)**, although specific coordination provisions are also embedded within the framework of the common commercial policy. It is important to clarify that, regarding the regulation of the arms trade, the Euro-unitary legal order operates in clear and express derogation from the traditional general principles of the internal market and the free movement of goods.

REFERENCES

TFEU, Art. 346

The constitutional architecture of this sovereign derogation is carved into **Art. 346 of the TFEU**, which establishes in Paragraph 1 that:

- “(a) no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security;”
- “(b) any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which connect with the production of or trade in arms, ammunition and war material; such measures shall not adversely affect the conditions of competition in the internal market regarding products which are not intended for specifically military purposes.”

Consequently, rather than establishing direct, centralized criminal incrimination measures - the punitive power of which remains firmly with individual nation-states - the action of the Brussels institutions focuses on the progressive strengthening and harmonization of administrative customs supervision over exports and imports, both within intra-community trade flows and strategic transfers directed toward third countries. Working alongside this first commercial core are complementary legislative acts aimed at improving and standardizing national systems for authorization, ballistic classification, and the control of firearm possession by private citizens. Treating CFSP instruments as a priority, these provisions are designed to govern exports directed outside the Schengen area.

The first systematic initiative in chronological order was the **1998 Code of Conduct on Arms Exports**, adopted formally by the Council of the European Union. This instrument aimed to achieve a twofold strategic objective: preventing the export of arms and industrial armaments toward third countries where they might be used to wage international aggression, suppress domestic political opposition, or fuel regional instability and conflicts; and defining high common standards for the transparent management of weapons transfers by Member States, while boosting information exchange and mutual consultation channels. To implement these goals, the 1998 Code codified **eight guiding criteria** to direct national authorities in issuing export licenses.

The criteria mandated absolute compliance with embargoes and sanctions decreed by the UN or the EU, adherence to non-proliferation treaties for weapons of mass destruction,

and the total ban on anti-personnel landmines. It also required strict respect for international law principles regarding sovereignty, territorial integrity, and human rights, precluding the risk of illicit triangulations (i.e., weapons being redirected to third countries not aligned with the guiding criteria). The text introduced a notification mechanism in the event of an administrative license denial, forcing prior consultation if a Member State intended to authorize a ballistic shipment previously denied by another Union country. The 1998 Code of Conduct, however, lacked full enforcement power due to the structural non-binding nature of its provisions, remaining a mere *soft law* act. Nevertheless, the methodological efficacy of its eight criteria was historically certified by their full incorporation into subsequent binding sources.

In 2003, the Council adopted **Common Position 2003/468/CFSP on the control of arms brokering**, an act designed to prevent arms shipments from EU countries from bypassing United Nations embargoes via opaque private brokering activities, bringing broker activities under the umbrella of security criteria. Member States are called upon to closely monitor the actions of brokers operating within their territory, extending vigilance to conduct carried out abroad by brokers who are their own citizens. The Common Position requires brokering to be subjected to a prior written authorization regime issued by public security authorities, suggesting the establishment of dedicated registries for certified brokers and prescribing the application of an effective system of internal administrative and criminal sanctions.

The true pillar and European source of reference governing outward transfers is, however, **Council Common Position 2008/944/CFSP of 8 December 2008** defining common rules governing control of exports of military technology and equipment, which follows the *EU Strategy to combat the illicit accumulation and trafficking of SALW and their ammunition*. Common Position 2008/944 configures, for the first time in the Euro-unitary legal order, as a **fully integrated and legally binding** regulatory instrument for Member States regarding extra-EU ballistic exports. It adopts the historic eight guiding criteria of the 1998 Code, introducing an important qualitative evolution: the inclusion of specific elements of evaluation for each criterion allows for a harmonized application, overcoming the ambiguity of the old text and standardizing scrutiny against the industrial interests of the 27 countries.

REFERENCES

Common Position (CFSP) 944, 2008, Art. 2

Pursuant to Art. 2 of the Common Position, export authorization is conditional upon compliance with the following mandatory parameters:

- **Criterion 1:** Respect for the international obligations and commitments of Member States, in particular the sanctions adopted by the UN Security Council or those adopted by the European Union, agreements on non-proliferation and other subjects, as well as other international obligations.
- **Criterion 2:** Respect for human rights in the country of final destination as well as respect by that country for international humanitarian law.
- **Criterion 3:** Internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts.
- **Criterion 4:** Preservation of regional peace, security and stability.
- **Criterion 5:** National security of the Member States and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries.
- **Criterion 6:** Behaviour of the buyer country vis-à-vis the international community, as regards in particular its attitude to terrorism, the nature of its alliances and its respect for international law.
- **Criterion 7:** Existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions.
- **Criterion 8:** Compatibility of the exports of the military technology or equipment with the technical and economic capacity of the recipient country, taking into account the desirability that States should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources.

In addition to enforcing strict compliance with the aforementioned criteria, the Common Position mandates clear mutual information obligations among Member States, particularly when a shipment license is denied. Art. 3 explicitly preserves the right of individual States to adopt more stringent national regulations and restrictive scrutiny criteria.

The CFSP framework is complemented by **Council Regulation (EC) No 428/2009 on the control of exports, transfer, brokering and transit of dual-use items**, which covers materials, components, and technologies capable of both civilian industrial and military warfare applications. A strict customs authorization system is also established for dual-use items; however, to facilitate legitimate commercial development and technological transactions, this check is conducted without needing to subject shipments to the political evaluation of the eight Common Position criteria.

Under the profile of the strategic and industrial outlook of the European Union, regulation concerning arms and armaments within the CFSP sector is destined, in the current **2026** scenario, to take on an even greater geopolitical centrality. In 2025, the European Commission led by President Ursula von der Leyen announced a massive extraordinary investment plan for common defense. The plan, dubbed “**ReArm Europe**”, provides for the allocation of resources up to **800 billion euros** aimed at improving the tactical mobility of the Member States' Armed Forces and increasing strategic defense stockpiles, in preparation for the so-called “worst case scenario”.

This plan, developed in response to constant threats posed by the Russian Federation's armed forces on the eastern front and a policy of partial isolationism by the United States under the second Trump administration, will lead to a notable increase in the industrial manufacture of arms and military equipment by European companies and consortia, with a consequent and massive increase in export volumes destined to reshape customs and boundary monitoring flows. Notably, the rearm plan has been further strengthened by the

Hormuz Strait crisis in 2026, urging the EU and Member States to allocate more financial resources to arms investments.

On the parallel front of internal markets and intra-community transfers, the Union has developed specific rules to simplify and harmonize the circulation of defense products.

Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 regulates exclusively the terms and conditions of transfers of defense-related products within the Union, streamlining and coordinating administrative licensing procedures. An operational system is built where the baseline rule is represented by the issuance of **general licenses** (directed at all certified suppliers within the State's territory) and **global licenses** (granted to individual industrial suppliers for their multi-year activity), while individual licenses, relating to a single and specific logistical transfer, constitute the extraordinary exception, reserved for cases of higher risk to public order, public safety, or international stability.

The special regime for transfer licenses and the correlated certification system for recipient companies indicate the consensus among Member States to remove the weapons sector from ordinary common trade rules within the community market, establishing a separate and differentiated mechanism. The certification system is established to permanently prove, for a **maximum period of five years**, the technical reliability of the recipient company, particularly regarding its professional capacity to respect export restrictions on defense products received from another Member State. Member States, in this regard, are required to designate competent public authorities for the certification of recipients established within their territory, who collaborate closely with other States' authorities to ensure traceability and prevent the diversion of cargoes toward clandestine circuits or grey markets.

IX. Has the European Union Developed Strategies for the Prevention and Countering of Illicit Trafficking

The competence of the European Union in the area of countering arms trafficking is grounded upon **Art. 83, Paragraph 1 of the Treaty on the Functioning of the European Union (TFEU)**. This primary norm provides that the European Parliament and the Council may establish, by means of directives, “minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension” when, due to the characteristics of the phenomenon, a common and harmonized approach is necessary. However, in the specific matter of illicit arms trafficking, the Union does not directly establish penal measures - the punitive power of which is guarded by individual nation-states - focusing instead on advanced instruments centered on judicial cooperation in criminal matters and the harmonization of administrative and boundary customs regulations. As previously illustrated, while Art. 346 of the TFEU removes part of the competence over military armament trade from the Union to leave it intact with Member States, Art. 83 preserves the institution's capability to intervene in the area of countering illicit trafficking, harmonizing civilian possession and introducing broadened investigative modules.

The European Union's focus on this Eurocrime is evidenced by its formal accession to the Firearms Protocol supplementing the United Nations Convention against Transnational Organized Crime (UNTOC). The Union institutions have built a rigid regime of authorizations for the transfer and transit of weapons, both within the Area of Freedom,

Security and Justice and for commercial shipments entering and leaving the community customs space.

In implementation of the obligations assumed under the Palermo Protocol, the Union proceeded with a deep revision of its regulatory asset, repealing the old Regulation (EU) No 258/2012 to merge it entirely within the brand new **Regulation (EU) 2025/41 of the European Parliament and of the Council of 19 December 2024**.

REFERENCES

The Outbound Control Regime of Regulation (EU) 41, 2025

Regulation (EU) 2025/41 consolidates a directly applicable outbound authorization system for the civilian weapons market as well. The private exporter is required to request a specific prior authorization from the customs authorities of the Member State in which they are established. By virtue of the dictate of **Art. 7, Paragraph 1**, the authorities of the State of origin are bound to verify:

- That the extra-EU final destination country of the weapon has regularly issued the relative import license or authorization.
- That the Member States or third countries affected by the geographical transit of the cargo have not raised formal security objections or reservations to the ballistic shipment.

To grant the license, pursuant to **Art. 10 of Regulation (EU) 2025/41**, domestic state authorities are bound to take into account international obligations assumed, strategic evaluations made within the CFSP, as well as the subjective qualities of the recipient's honorability and the potential final use of the device, analytically scrutinizing the **risk of diversion of the shipment** with respect to the recipient formally indicated. The mandatory obligation to deny the issuance of licenses is also reiterated if the operation is not in total compliance with comprehensive arms embargoes decreed by the Council of the European Union, the United Nations, or the OSCE, demanding strict prior evaluations to prevent weapons from ending up on black markets or in the hands of terrorist cells.

The reformatory intervention of the Parliament and the Council within the **2025-2026** context has further strengthened the administrative control discipline. Priority action has been taken on rules governing the seizure of weapons, ammunition, and essential parts lacking appropriate factory marks or bearing abrade serial numbers, granting national state authorities the power and duty to proceed with their immediate **forced destruction** to permanently remove them from illicit circulation. Furthermore, pending the completion of stamped ballistic marking procedures, weapons imported from extra-EU third countries are subjected to a binding and strict special customs warehouse regime, preventing their premature entry into the civilian market and precluding free movement within the territory of the Union.

The necessity of reinforcing the legal framework governing firearms control was felt at the Euro-unitary level following the dramatic wave of terrorist attacks recorded between 2015 and 2016 (such as the attack on the French satirical newspaper *Charlie Hebdo*, the massacre at the Paris *Bataclan* nightclub, and the coordinated explosions in Brussels on March 22, 2016), theaters where evasive commandos exploited grey market vulnerabilities to equip themselves with ex-ordnance Soviet military assault rifles. With the adoption of the **2015 European Agenda on Security**, the European Commission reaffirmed the strategic centrality of countering illicit arms trafficking within the framework of the fight against transnational crime, intervening to limit civilian access to weapons with higher offensive capability and to hazardous substances usable as precursors for improvised explosive devices (IEDs) or chemical agents.

FOCUS

Civilian Internal Market Control in Directive (EU) 555, 2021

Faced with the acquisition and lawful possession of weapons by private citizens within the Schengen area, the European regulatory benchmark is **Directive (EU) 2021/555 of the European Parliament and of the Council**, which repealed and entirely replaced the historic Directive 91/477/EEC to gather into a single coordinated text all the technological and ballistic evolutions that occurred over the years. The Directive pursues a delicate institutional balance structured on three pillars:

- **Balancing of Objectives:** It combines the commercial needs of the internal market (relating to the cross-border circulation of civilian firearms for hunting or sporting purposes) with the compelling public safety objectives of the Area of Freedom, Security and Justice.
- **Traceability and Marking:** It mandates that Member States adopt a permanent marking system for all essential components of the weapon (barrel, receiver, slide, bolt) and maintain interconnected digital registries to ensure traceability at any moment.

Standardization of Civilian Requirements: It sets minimum subjective requirements (honorability, psychological and physical fitness, absence of criminal records) that private individuals must possess to obtain possession titles or a carrying permit, regulating capillary in Chapter III the cross-border movement of devices within the Union via the prior monitoring of authorities in States affected by transit.

The regulatory framework of the Weapons Directive and its impact on the internal security prerogatives of Member States have been submitted to the scrutiny of legitimacy of the European Court of Justice, which has solemnly secured its validity and *ratio* of protecting public order.

CASE STUDY

Court of Justice of the European Union, Czech Republic v. European Parliament and Council, 2019

A fundamental jurisprudential pillar for students of the EU-GLOBACT module is the historic judgment issued by the **Court of Justice of the European Union on December 3, 2019, in Case Czech Republic v European Parliament and Council (C-482/17)**. The Prague Government had filed a partial annulment action against the restrictive amendments introduced by Directive (EU) 2017/853 (subsequently merged into the 2021 text), which had banned civilians from possessing certain high-capacity semi-automatic firearms (weapons derived from military assault rifles), deeming such bans disproportionate and unnecessarily harmful to legitimate trade, collecting, and shooting sports.

The judges of the Court of Justice, rejecting the Czech Republic's appeal in its entirety, clarified the bridging function exercised by European law, establishing three essential dogmatic principles:

- 1. The Objective of Constitutional Balance:** The Directive aims to strike a perfect balance between the free circulation of civilian defense products and the compelling guarantees of personal safety and public order, harmonizing national disciplines based on traditionally different approaches (permissive and highly restrictive systems).
- 2. The Proportionality of Restrictions:** The limitations and bans imposed on the firepower of semi-automatic weapons do not violate the principle of proportionality and are not unnecessarily harmful to the market, as the primary and eminent goal of the source is safeguarding the public safety of Union citizens against the risk of terrorist massacres or mafia infiltrations.
- 3. The Legitimacy of Political Discretion:** The protection of public safety justifies the broad political and economic discretion exercised by the Union legislator under **Art. 114 of the TFEU** (the legal basis of the internal market), legitimizing complex assessments of a social, ballistic, and preventive nature aimed at preventing the hijacking of material toward illicit trafficking channels.

From the systematic analysis of the cited sources, it emerges that the supranational institution, to tackle the phenomenon of illicit arms trafficking, has preferred a strictly administrative approach, regulating capillary the commercial exchange system outward, boundary transit channels, and the regime of industrial transfers within the community territory. As seen in other complex areas of economic crime, a purely central criminal-incrimination approach is absent. However, within certain historical and modern instruments of transnational judicial and police cooperation (former JHA pillar), there is an explicit and constant reference to arms trafficking, manifesting a clear will to extend the effectiveness and operability of such investigative presidios to this specific cross-border penal matter.

Beyond secondary law instruments, the European Union is actively engaged in on-the-field countering through the action of its specialized agencies, most notably those focused on cooperation and forensic analysis, such as **Europol and Eurojust**. The primary purpose of these bodies consists in coordinating in real time the actions of Member States' national judicial authorities (prosecution offices) and police forces, utilizing community tools and databases to strengthen and harmonize counter-measures. The strategic coordination ensured by the Union's agencies allows for much more incisive and effective investigative results against a criminal phenomenon characterized by an immanent transnationality and managed by highly agile private brokers who exploit legislative loopholes and corporate shielding to make public enforcement extraordinarily complex. Furthermore, contemporary investigative action focuses with particular attention on the scientific study of the correlation and interdependence connecting illicit arms trafficking to other serious illicit trades, with specific reference to human trafficking and *migrant smuggling*.

FOCUS

The Interdisciplinary Approach of the EMPACT Platform

To dismantle this multi-level criminal convergence, in 2021 the Council of the European Union launched the **EMPACT (European Multidisciplinary Platform Against Criminal Threats)** platform. EMPACT introduces a radically integrated approach at the level of community organs and agencies regarding the protection of internal security, aiming to strengthen and coordinate judicial and police efforts against cross-border crimes. The true strength of this strategic framework lies in its multidisciplinary approach, designed to analyze and sever the interconnections and communicating vessels linking:

- Narcotrafficking flows and human trafficking.
- Clandestine migration smuggling channels and arms contraband.
- Economic, corporate, and fiscal crime circuits.
- The new frontiers of environmental crimes (*green laundering*).
- The transversal impact of *cyber-crimes* and new cryptographic technologies in cyberspace.

Through this integrated and asymmetric operational model, police forces and judiciaries manage to acquire a much more rounded, complete, and penetrating understanding of the actual structural functioning of criminal networks of white-collar professionals and traffickers. This avoids the sterile and inefficient compartmentalization of traditional counter-strategies, offering instead an **holistic, synergistic, and integrated approach** capable of simultaneously attacking the military, logistical, and financial components of criminal cartels, preserving the transparency of the European internal market and securing the Rule of Law.

X. Key Findings

The dogmatic, historical, regulatory, and jurisprudential analysis carried out within this Art. leads to the delineation of **five fundamental findings** that the student must assimilate for the purpose of passing the exam:

- **Transnational Dimension of the Eurocrime:** Illicit arms trafficking qualifies as a global eversive threat that is structurally cross-border, formally included in the catalogue of **first-tier Eurocrimes pursuant to Art. 83, Paragraph 1 of the TFEU**. The phenomenon moves a financial business volume estimated at billions of dollars a year, feeding on geopolitical crisis areas and porous boundary controls, acting as a profound destabilization factor even within Western States by supplying terrorist cells and mafia networks.
- **The Dual Architecture of the United Nations:** The UN's global strategies are articulated in a speculative manner across two tracks: the **2013 Arms Trade Treaty (ATT)** - a binding treaty centered on the heavy military armament trade between States, which imposes strict prior Risk Assessment obligations under Articles 6 and 7 to ban exports to countries at risk of genocide or violations of *ius cogens* - and the **2001 UN Firearms Protocol supplementing the Palermo Convention**, focused instead on the civilian market between private actors (SALW) and based on the harmonization of the offenses of *illicit manufacturing* and *illicit trafficking*.
- **Tracking Standards and Forensic Marking:** The core of international prevention and *blockchain forensics* rests on the stringent obligations of **permanent marking (stamped serial numbers)** prescribed by Art. 8 of the UN Protocol, joined with the duty of long-term record-keeping and the systems of bilateral import/export authorization under Art. 10. These presidios, combined with the mandatory control and registration of **intermediaries (brokers) under Art. 15**, are designed to sever grey market routes and prevent the falsification of cargo documents.
- **The Security Derogation and EU Export Policies:** Although the Euro-unitary legal order is historically bound by the national sovereignty derogation secured under **Art. 346 of the TFEU** (which leaves the protection of essential security interests regarding war material with Member States), the Union intervenes by conditioning external markets through **Common Position 2008/944/CFSP**, which codifies **eight binding guiding criteria** for issuing export licenses of conventional arms to third countries, interfacing with the Dual-Use Regulation.
- **Technological Integration, Internal Market, and the EMPACT Approach:** Modern European reforms - such as **Regulation (EU) 2025/41** (an outbound authorization regime against diversion and *forum shopping*) and **Directive (EU) 2021/555** on the internal civilian market, solemnly secured by the Court of Justice in the **C-482/17 judgment** - coordinate with the need to counter fresh ballistic threats, like reconverted FPV drones and ghost weapons (*Ghost Guns*) printed in 3D. To dismantle the convergence between arms contraband and other Eurocrimes (narcotrafficking, human trafficking, and *cybercrime*), the Union implements the multidisciplinary **EMPACT** platform, replacing old sectoral answers with an holistic, synergistic, and integrated investigative approach between the **Europol and Eurojust** agencies.