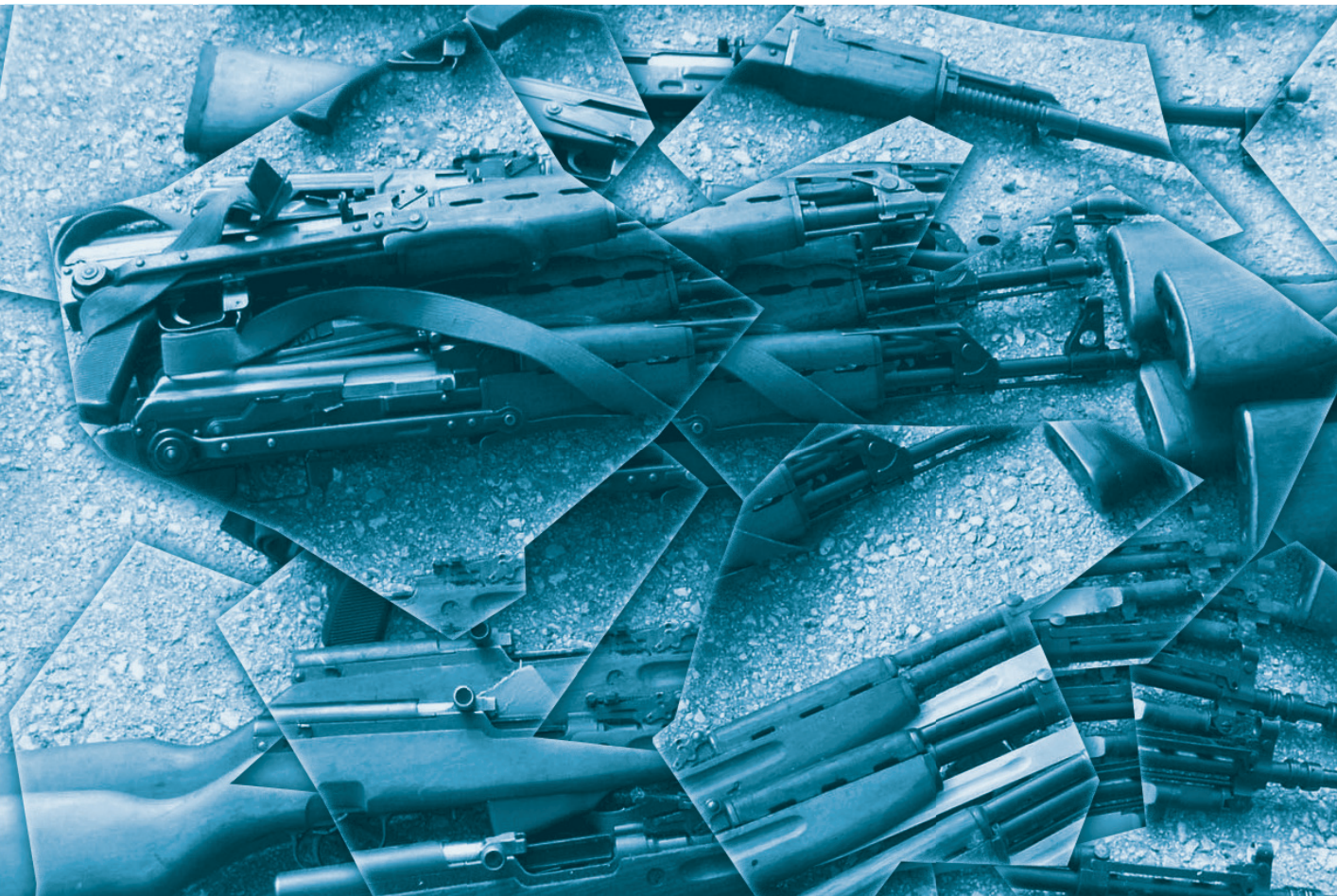


Handbook of Best Practices
on Small Arms and Light Weapons

Best Practice Guide: Minimum Standards for National Procedures for the Deactivation of Small Arms and Light Weapons



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I. Introduction

In accordance with the OSCE Document on Small Arms and Light Weapons (SALW) adopted in 2000 (reissued in 2012)¹, the participating States agreed that “the deactivation of small arms will be carried out only in such a way as to render all essential parts of the weapon permanently inoperable and therefore incapable of being removed, replaced or modified in a way that might permit the weapon to be reactivated”. Most participating States adopted similar standards to ensure that small arms that have been rendered inoperable cannot be reactivated.

The deactivation of SALW is usually recognised to allow the possession of such items by owners, including collectors and museums, without the need for a weapon permit or similar authority. Such possession may be subject to more general controls, for example a minimum age.

The integrity of the deactivation of SALW, in respect of the required technical specifications, the quality of the work, the reliability of inspection regimes and the extent of enforcement is of particular importance, since reactivated small arms can, and do, surface in the commission of a crime or in illicit cross border trade of SALW, such as smuggling or trafficking. Indeed, there is a growing body of evidence that

suggests the continued interest in this area within criminal markets is growing and that poorly deactivated SALW may be reactivated and used by criminals or terrorists. It certainly poses a significant threat.

This Guide provides information and suggests approaches and procedures for the control over the permanent deactivation of SALW. It contains references to relevant international commitments and cites the necessary elements of national legislation, setting out the norms and principles of control over SALW deactivation. It also considers effective measures for enforcement.

The measures prescribed by this Guide should be regarded as minimum standards for SALW deactivation: participating States may adopt more stringent regulations at national level.

It is recognised that the OSCE definition of SALW² does not include wider categories of firearms, such as firearms used for hunting, target sports and citizen self-defence. Accordingly, participating States are entitled to, and indeed should, extend this best practice guide to those categories of firearms. Participating States may require destruction of SALW and other types of firearm rather than permit deactivation.

¹ OSCE Document on Small Arms and Light Weapons. Organisation for Security & Cooperation in Europe. 20th June 2012. Vienna. URL: <http://www.osce.org/fsc/20783>

² Small Arms and Light Weapons are weapons and weapon systems which are manufactured to military specifications for use as lethal instruments of war or which have been accordingly converted. Hunting or sporting weapons are not covered by this definition, as well as civilian weapons (revolvers, pistols) used for self-defence.

II. International commitments

The Outcome document of the Third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects³ recognized important elements inter alia on ensuring irreversible deactivation or destruction.

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UNGA, 2001a)⁴, contains reference to deactivated firearms in its Article 9.

III. National legislation

Participating States recognizing the concept of permanent deactivation of SALW should define permanent deactivation in national legislation concerning the control of SALW.

The legislation should reflect the international obligations of the participating State.

Where a participating State has the legislative responsibility for this area of law held at a devolved level, then all jurisdictions within that participating State should harmonise their legislative provisions.

National legislation concerning the deactivation of SALW should reflect:

1. A definition of deactivation and to which categories of SALW it may be applied, if not all.

The definition should reflect the requirement that to be categorized as deactivated, all essential parts of a deactivated SALW are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the SALW to be reactivated in any way. The legislation should specify what the essential parts are in reference to deactivation, and this list should include the barrel and chamber, frame or receiver, slide or cylinder, bolt or breech block, action and removable

³ <https://www.un.org/disarmament/convarms/revcon3/>

⁴ Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. UNGA (United Nations General Assembly) (2001a), adopted 31 May 2001.

loaders. A participating State may, on the basis of a threat and risk assessment, wish to exclude SALW that are usually prohibited from civilian possession, and thus not allow possession of these items in a deactivated condition. This decision should be based on a local threat and risk assessment.

2. Procedures (technical specifications) for the conduct of deactivation, including by whom it may be undertaken.
3. Licensing and authorization procedures for the conduct of deactivation.
4. Inspection and authorization arrangements to establish that deactivation has been undertaken according to the correct standards.
5. Suspension, review, renewal and revocation of licenses and authorizations.
6. Provisions for the marking and certification of deactivated SALW.
7. Enforcement of deactivation requirements.

In addition to the aforementioned aspects, the national legislation of a participating

State should contain provisions to prevent persons from tampering with the deactivation process, as well as provisions against the creation or attempted creation of a false certificate of deactivation compliance and use of falsified markings. There should be a clear allocation of lead responsibility for enforcement of the provisions.

8. Offences & penalties (e.g., criminal liability for improper deactivation and/or attempts to reactivate/tampering as well as for forgery of deactivation certificates).

There should be criminal law penalties for offences of passing off SALW as deactivated when they do not in fact comply with the legislative requirements, for attempting to reactivate a deactivated item and for forging or attempting to forge a certificate of deactivation compliance or use falsified markings of deactivation. National legislation on the deactivation of SALW should take account of the potential for the import and export of such items. Arrangements for this, if permitted, should include cooperation with other participating States to harmonise legislation, particularly in respect of standards of work, marking and certification.

IV. SALW deactivation standards

Deactivation technical guidelines may be periodically revised to take into account

technical developments of firearms and deactivation operations over time.

1. Technical specifications

An example of technical specifications is provided in Annex 1.

2. Common standards

The adoption of common standards across participating States would reduce the risks to all. The benefits of collaboration with other participating States when determining technical specifications should be self-evident. This is partially the case already. The development of deactivation technical specifications should be driven by risk and threat assessment together with an assessment

of the development of engineering techniques and capabilities (which must be overcome to ensure the deactivation is permanent). Established standards should recognise different types of SALW and specify the exact processes to be applied to their essential component parts and other parts if applicable, for example detachable magazines. The details are set out at Annex 1.

3. Completeness of SALW

In order to prevent the circulation of active weapon components, participating States should ensure that all essential components of SALW are deactivated, and only accept complete SALW as deactivated firearms. While a deactivated SALW which is incomplete might be less

likely to be reactivated than a complete one, the certification of incomplete SALW as deactivated may have dangerous consequences including enabling the circulation of active weapons components and providing replacement components for illicitly held firearms.

V. Inspection authorities

1. Authorisation to perform the work

The deactivation of SALW should be undertaken only by entities authorised by the participating State to possess the live piece and to undertake the work. These entities should have appropriate secure storage for the item(s) until the deactivation has taken place. This is especially important where the SALW concerned would normally be prohibited from possession by citizens.

The licensing authorities may perform supervisory visits, including unannounced site checks, to ensure that the required standards are being maintained, as appropriate. A failure to comply with the legislative

requirements in respect of the technical specifications for deactivation, or the safe storage of items where the work has not yet commenced or is incomplete, should lead to revocation of the licence to operate and potentially to criminal prosecution.

In the case where there are no entities authorised to deactivate firearms in the territory of a participating State, any participating State may request the assistance of the entities authorised to deactivate firearms by another participating State in order to carry out the deactivation of a firearm.

2. Independence of verification

If the authority verifying the proper deactivation is also authorized to deactivate SALW, a clear separation between those tasks must be ensured within the organization. For instance, the verification may be undertaken by a Permanent International Commission for the Proof of Small Arms (CIP) Proof House, or by a competent State Agency possessing the skills and expertise appropriate to the verification process.

In the case where a participating State has no verifying entity, that State may request the assistance of another participating State in order to verify the deactivation of a firearm. Subject to acceptance of the request, where such request concerns the verification of the deactivation of a firearm, the verifying entity providing assistance shall issue a deactivation certificate.

VI. Control measures

1. Marking

A complementary marking should be applied to show that an item has been deactivated (where that status is recognised by a participating State). Such a marking is a helpful feature for law enforcement personnel and at the point of sale/purchase and transfer, including across borders. Stamping or engraving should be used depending on the material being marked.

The marking should indicate that the SALW has been permanently deactivated, together with a mark indicating in which participating State the work was undertaken and verified. A mark indicating the identity of the verification authority should also be applied. A mark indicating the year the work and verification was undertaken may be applied.

In practice the marking may thus comprise four elements (I.e. markings showing deactivation status, participating State, verification authority, and year of verification). This may be too large a marking to apply to all essential components of a SALW. Accordingly, the full marking may be applied to the receiver or frame only, and the deactivation marking together with the participating State marking to the smaller essential components.

Markings must not be applied in such a way as to obliterate, in whole or part, any original serial number, manufacturing or import marks on the SALW. Markings must also allow the authorities to determine with which set of technical standards the item complies. When a revised set of technical standards is adopted then the form of the marking must alter too.

2. Certificate of compliance

A certificate of compliance that a piece has met the deactivation standards requirement should be provided and include:

1. Details of the entity that performed the deactivation.
2. The participating State in which the deactivation took place.
3. The date of the certification of deactivation.

4. The manufacturer or brand of the SALW deactivated.
5. The type of SALW deactivated.
6. The make and model SALW deactivated.
7. The caliber of the SALW deactivated.
8. The serial number of the SALW deactivated.

An example of a model certificate (taken from the EU regulation) is provided in Annex 2.

3. International transfer controls

Controls on the transfers (imports and exports) of deactivated SALW should take into account the need to ensure that the item presented is indeed what it purports to be,

has been properly marked and verified and is accompanied by the appropriate records (in particular its deactivation certificate).

4. Record-keeping

A registry of deactivated SALW should be kept for an appropriate duration depending on the length of a SALW life cycle, and for a minimum of 20 years. The registry could also include the weapon's identification number and the name of

the weapon's owner at the time of deactivation. Registries of possession and registries of deactivation may be accommodated as an element within national registries relating to the possession of lawfully held firearms.

5. Possession controls

Participating States should make an assessment based on threat and risk to establish for themselves whether a system

of permit based controls for deactivated SALW should be adopted.

VII. Information sharing

Participating States which recognise the deactivation of SALW may produce intelligence assessments which in turn inform threat

assessments. The wider sharing of these reports, between cooperating participating States would be useful.

VIII. Co-operation in enforcement

The application of controls on the deactivation of SALW may form part of Participating States' efforts to combat the illicit trafficking of arms.

States may identify a national body or single point of contact for matters relating to exchanging information relating to the deactivation of SALW.

1. Tracing

The International Tracing Instrument⁵ should be followed as far as applicable, when tracing deactivated SALW.

handled with appropriate care in accordance with bilateral agreements or arrangements on tracing cooperation. The participating State receiving a tracing request should be empowered to restrict the use of the information it provides.

Unless otherwise agreed, information received during a tracing operation should be

Abbreviations and acronyms

| | |
|------|--|
| EU | European Union |
| FSC | Forum for Security Co-operation |
| OSCE | Organisation for Security and Co-operation in Europe |
| SALW | Small Arms and Light Weapons |
| UN | United Nations |

⁵ *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* adopted by the United Nations General assembly on the 8th December 2005.

Annex 1

Model standards

The European Commission has published comprehensive technical standards⁶ concerning

the permanent deactivation of SALW.

Technical specifications for the deactivation of firearms

The technical specifications for the deactivation of firearms should prevent the reactivation of firearms with the use of ordinary tools.

The deactivation operations to be performed in order to render firearms irreversibly inoperable are defined on the basis of three tables:

The technical specifications for the deactivation of firearms focus on the deactivation of essential components of firearms. The technical specifications for the deactivation of firearms set out in Annex I also apply to the deactivation of exchange barrels which, being separate objects, are technically linked with and intended to be mounted on the firearm to be deactivated.

Table I lists the different types of firearms,

Table II describes the operations to be performed to render each essential component of firearms irreversibly inoperable,

Table III sets out which deactivation operations are to be performed for the various types of firearm.

Table I - Types of firearms

1. Pistols (single shot, semi-automatic)
2. Revolvers (including cylinder loading revolvers)
3. Single-shot long firearms (not break action)
4. Break action firearms (e.g. smoothbore, rifled, combination, and falling/rolling block action, short and long firearms)
5. Repeating long firearms (smoothbore, rifled)
6. Semi-automatic long firearms (smoothbore, rifled)
7. (Full) automatic firearms: e.g. selected assault rifles, (sub) machine guns, (full) automatic pistols
8. Muzzle loading firearms including break action (except cylinder loading revolvers)

⁶ *Commission Implementing Regulation (EU) 2018/337 on Amending Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable. The European Commission, 5 March 2018.* <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R0337>

Table II - Specific operations per component

Essential component process

Prevent the disassembly of the SALW essential components by welding, bonding or by using appropriate measures with the equivalent degree of permanence.

Depending on national laws, this process can be performed after the checking of the

National Authority.

Hardness of inserts: Deactivating entity has to ensure that pins/plugs/rods used have a hardness of at least 40 HRC and that material used for welding ensures a permanent and effective bond.

1. Barrel

- 1.1 If the barrel is fixed to the frame⁷, pin the barrel to action with a hardened steel pin (diameter > 50 % chamber, minimum 4,5 mm) through the chamber and frame. The pin must be welded⁸.
- 1.2 If the barrel is free (not fixed), cut a longitudinal slot through the full length of the chamber wall (width > ½ calibre and maximum 8 mm) and securely weld a plug or a rod into the barrel from the start of the chamber ($L \geq 2/3$ rd barrel length).
- 1.3 Within the first third of the barrel from the chamber, either drill holes (must have a minimum of $2/3$ rd of the diameter of the bore for smoothbore arms and the whole diameter of the bore for all other arms; one behind the other, 3 for short arms, 6 for long arms) or cut, after the chamber, a V slot (angle $60 \pm 5^\circ$) opening locally the barrel or cut, after the chamber, a longitudinal slot (width 8-10 mm \pm 0,5 mm, length ≥ 52 mm) at the same position as the holes, or cut a longitudinal slot (width v4-6 mm \pm 0,5 mm from the chamber to the muzzle, except 5 mm at the muzzle).
- 1.4 For barrels with a feed ramp, remove the feed ramp.
- 1.5 Prevent removal of the barrel from the frame by use of hardened steel pin or by welding.

2. Breech block, bolt head

- 2.1 Remove or shorten firing pin.
- 2.2 Machine the bolt face with an angle of at least 45 degrees and on a surface larger than 50 % of the breech face.
- 2.3 Weld the firing pin hole.

⁷ Barrel fixed to the frame by screwing or clamping or by another process.

⁸ Welding is a fabrication or sculptural process that joins materials, usually metals or thermoplastics, by causing fusion.

3. Cylinder

- 3.1 Remove all internal walls from cylinder for a minimum of 2/3rd of its length by machining a circular ring \geq case diameter.
- 3.2 Where possible, weld to prevent the

removal of the cylinder from the frame, or if impossible, use appropriate measures that render the removal impossible.

4. Slide

- 4.1 Machine or remove more than 50 % of the breech face with an angle between 45 and 90 degrees.
- 4.2 Remove or shorten the firing pin.
- 4.3 Machine and weld the firing pin hole.

- 4.4 Machine away locking lugs in slide.
- 4.5 Where applicable, machine the inside of the upper forward edge of the ejection port in the slide to an angle of 45 degrees.

5. Frame (Pistols)

- 5.1 Remove feed ramp.
- 5.2 Machine away at least 2/3 of the slide rails on both sides of the frame.
- 5.3 Weld the slide stop.
- 5.4 Prevent disassembly of polymer frame

pistols by welding. According to the national laws, this process can be performed after the checking of the National Authority.

6. Automatic system

- 6.1 Destroy the pistol and the gas system by cutting or welding.
- 6.2 Remove the breech block, replace it by a steel piece and weld it or reduce the breech block by 50 % minimum, weld it and cut off locking lugs from the bolt head.
- 6.3 Weld the trigger mechanism together and, if possible, with the frame. If welding within the frame is not possible: remove

- the firing mechanism and fill the empty space appropriately (e.g. by gluing in a fitting piece of filling with epoxy resin).
- 6.4 Prevent the disassembly of the closing system of the handle at the frame by welding or use appropriate measures that render the removal impossible. Securely weld the feed mechanism of belt fed weapons.

7. Action

- 7.1 Machine a cone of 60 degrees minimum (apex angle), in order to obtain a base diameter equal to 1 cm at least or the diameter of the breech face.
- 7.2 Remove the firing pin, enlarge the firing pin hole at a minimum diameter of 5 mm and weld the firing pin hole.

8. Magazine (where applicable)

- 8.1 Weld the magazine with spots on the frame or the handle, depending on type of arm to prevent removing the magazine.
- 8.2 If the magazine is missing, place spots of weld in the magazine location or fix a lock to permanently prevent the insertion of a magazine.
- 8.3 Drive hardened steel pin through magazine, chamber and frame. Secure by weld.

9. Muzzle loading

- 9.1 Remove or weld the nipple(s), weld the hole(s).

10. Sound moderator

- 10.1 Prevent removal of the sound moderator from the barrel by use of hardened steel pin or weld if the sound moderator is part of the weapon.
- 10.2 Remove all the inner parts and their attachment points of the moderator so that only a tube remains. Drill holes each 5 cm in the exterior remaining tube.

11. Hardness of inserts

Hardness pin/plug/rod = 58 -0; + 6 HRC TIG
welding stainless steel type ER 316 L

Table III – Specific operations per essential components of each type of firearm

| Type of firearm (Table I) | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---------------------------|----------------------------|-----------|--|---|--|---|--|--|
| Process (Table II) | Pistols (except automatic) | Revolvers | Single-shot long firearms (not break action) | Break action firearms (smoothbore, rifled, combination) | Repeating long firearms (smoothbore, rifled) | Semi-automatic long firearms (smoothbore, rifled) | Automatic firearms: assault rifles, (sub) machine guns | Muzzle loading firearms incl. break action (except cylinder loading revolvers) |
| 1.1 | | | x | | x | x | x | |
| 1.2 & 1.3 | x | x | x | x | x | x | x | x |
| 1.4 | x | | | | | x | x | |
| 1.5 | | x | | | | | | |
| 2.1 | | | x | | x | x | x | |
| 2.2 | | | x | | x | x | x | |
| 2.3 | | | x | | x | x | x | |
| 3.1 | | x | | | | | | |
| 3.2 | | x | | | | | | |
| 4.1 | x | | | | | | X (for automatic pistols) | |
| 4.2 | x | | | | | | X (for automatic pistols) | |
| 4.3 | x | | | | | | X (for automatic pistols) | |
| 4.4 | x | | | | | | X (for automatic pistols) | |
| 4.5 | x | | | | | x | X (for automatic pistols) | |
| 5.1 | x | | | | | | X (for automatic pistols) | |
| 5.2 | x | | | | | | X (for automatic pistols) | |
| 5.3 | x | | | | | | X (for automatic pistols) | |
| 5.4 | X (polymer frame) | | | | | | X (for automatic pistols) | |
| 6.1 | | | | | | x | x | |
| 6.2 | | | | | | x | x | |
| 6.3 | | | | | | | x | |
| 6.4 | | | | | | | x | |
| 7.1 | | | | x | | | | |
| 7.2 | | x | | x | | | | |
| 8.1 or 8.2 | x | | | | x | x | x | |
| 8.3 | | | | | X (magazine tube) | X (magazine tube) | | |
| 9.1 | | x | | | | | | x |
| 10.1 | x | | x | | x | x | x | |
| 10.2 | x | | x | x | x | x | x | |

Annex 2

Model Certificate Format

The EU model is shown below;

(this certificate should be prepared on non-falsifiable paper)

EU Logo

Name of entity that verified & certified
the conformity of the deactivation
Logo

DEACTIVATION CERTIFICATE

Certificate number:

The deactivation measures conform to the requirements of the technical specifications for the deactivation of firearms as set out in Annex I to Commission Implementing Regulation (EU) 2018/337 of 5 March 2018.

Name of entity that performed the deactivation:

Country:

Date/year of certification of the deactivation:

Manufacturer/brand of firearm deactivated:

Type:

Make/Model:

Calibre:

Serial number(s):

Remarks:

Official EU deactivation mark

Name, title and signature of the
responsible person

PLEASE NOTE: This certificate is an important document. It should be retained by the owner of the deactivated firearm at all times. The essential components of the deactivated to which this certificate relates have been marked with an official inspection mark; these marks must not be removed or altered.

WARNING: Forging a deactivation certificate could constitute an offence under the national law.

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