

28 studies assessing and comparing the criminalisation in the Member States and Northern Ireland of offences related to firearms

Country Fiche for Czechia

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Introduction

About the study

The study's objective is to assess the method and the extent to which the 27 Member States and the UK in relation to Northern Ireland have adopted legislation that provide criminal and/or administrative sanctions for the offences of illicit manufacturing and trafficking of firearms, falsification or illicit obliteration, removal or alteration of markings, and illegal possession of firearms due to the importance of potential divergence in their prosecution in the different Member States and Northern Ireland. The study also aims to carry out a comparative overall analysis of the national research with a view to summarise and compare how Member States and Northern Ireland determine the offences and the nature and level of sanctions in place and to analyse the effectiveness, proportionality and dissuasiveness of the sanctions.

The study will allow the Commission to make an informed decision on further steps to be undertaken in order to achieve the purposes of the Firearms Directive and UN Firearms Protocol in the prevention, combatting and eradication of illicit manufacturing and trafficking in firearms.

Background information

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 (hereinafter, **UN Firearms Protocol**)¹ was adopted by the General Assembly of the United Nations in Resolution No 55/255 of 8 June 2001 and entered into force on 3 July 2005. With the exception of Ireland and Malta, 25 EU Member States have signed and ratified the UN Firearms Protocol. By Council Decision 2014/164/EU the European Union concluded the UN Firearms Protocol.

The purpose of the UN Firearms Protocol is to promote, facilitate and strengthen cooperation among Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. **Article 5** of the UN Firearms Protocol sets out the requirement for the Parties to adopt legislative and other measures necessary to criminalise the illicit manufacturing and the illicit trafficking of firearms, their parts and components and ammunition as well as falsifying or illicitly obliterating, removing, or altering the marking(s) on firearms. **Article 3(d) and (2)** defines illicit manufacturing and trafficking.

Directive (EU) 2021/555 on control of the acquisition and possession of weapons (codification), (hereinafter, **Firearms Directive**), sets common minimum standards on the acquisition, possession, and commercial exchange of civilian firearms (e.g. firearms used for sport shooting and hunting) within the European Union (EU). It codifies and repeals Directive 91/477/EEC and its subsequent amendments, namely Directive 2008/51/EC and Directive (EU) 2017/853.

Article 1(1), points 11 and 12 of the Firearms Directive define illicit manufacturing and illicit trafficking. The Firearms Directive does not define illegal possession of firearms, but based on its provisions, this offence should be prohibited by the Member States. Firstly, **Article 5** of the Firearms Directive sets out that the acquisition and possession of firearms is only allowed by persons who have been granted a licence or, with respect to firearms classified in category C, persons who are specifically permitted to acquire and possess such firearms in accordance with national law. **Article 6(1)** further stipulates that acquisition and possession of Category A, B or C firearms should be allowed only to persons who have a good cause and who are at least 18 years of age (except for hunting and target shooting purposes, under the conditions

¹ United Nations, Treaty Series, vol. 2326, p. 208; Doc. A/55/383/Add.2.

laid down by the Article) and are not likely to be a danger to themselves or others, to public order or to public safety. Furthermore, **Article 9(1)** of the Firearms Directive requires Member States to take all appropriate measures to prohibit the acquisition and possession of the firearms, the essential components and the ammunition classified in category A. In that regard, Member States shall ensure that those firearms, essential components and ammunition unlawfully held in contravention of that prohibition are impounded. Under **Article 10(2)**, Member States should ensure that no one may be in possession of a firearm classified in category B unless that Member State has so authorised him or her. For firearms classified in category C, **Article 11(1)** of the Firearms Directive requires that persons are prohibited to possess such category C firearms, unless the person in question has declared it to the authorities.

Article 23 of the Firearms Directive requires Member States to lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive. This must be understood including infringements regarding illicit trafficking, illicit manufacturing and illegal possession. The penalties provided for shall be effective, proportionate and dissuasive.

List of relevant national laws and implementing measures and their Abbreviations

- Act No 40/2009 Coll., the Penal Code, *Zákon č. 40/2009 Sb., trestní zákoník*, **Criminal Code**, Sběrka zákonů ČR of 9.2.2009, available at: <https://www.zakonyprolidi.cz/cs/2009-40?text=40%2F2009>.
- Act No. 220/2021 Coll. amending Act No. 141/1961 Coll., on Criminal Judicial Proceedings (Criminal Procedure Code), as amended, Act No. 40/2009 Coll., the Criminal Code, as amended, Act No. 257/2000 Coll., on Probation and Mediation Services and amending Act No. 2/1969 Coll., on the Establishment of Ministries and Other Central Bodies of State Administration of the Czech Republic, as amended, Act No. 65/1965 Coll., the Labor Code, as amended, and Act No. 359/1999 Coll., on Social and Legal Protection of Children (Probation and Mediation Service Act), as amended, and some other laws, *Zákon č. 220/2021 Sb., kterým se mění zákon č. 141/1961 Sb., o trestním řízení soudním (trestní řád), ve znění pozdějších předpisů, zákon č. 40/2009 Sb., trestní zákoník, ve znění pozdějších předpisů, zákon č. 257/2000 Sb., o Probační a mediační službě a o změně zákona č. 2/1969 Sb., o zřízení ministerstev a jiných ústředních orgánů státní správy České republiky, ve znění pozdějších předpisů, zákona č. 65/1965 Sb., zákoník práce, ve znění pozdějších předpisů a zákona č. 359/1999 Sb., o sociálně-právní ochraně dětí (zákon o Probační a mediační službě), ve znění pozdějších předpisů, a některé další zákony*, **Act 220/2021**, available at: <https://www.zakonyprolidi.cz/cs/2021-220>.
- Act No 119/2002 Coll., on Firearms and Ammunition and amending Act No 156/2000 on the Verification of Firearms, Ammunition and Pyrotechnic Objects and amending Act No 288/1995 Coll., on Firearms and Ammunition (the Firearms Act), as amended by Act No 13/1998 Coll., and Act No 368/1992 on Administrative Fees, as amended, and Act No 455/1991 Coll., on Trade Licensing (the Trade Licensing Act), as amended (the Firearms Act), *Zákon č. 119/2002 Sb., o střelných zbraních a střelivu a o změně zákona č. 156/2000 Sb., o ověřování střelných zbraní, střeliva a pyrotechnických předmětů a o změně zákona č. 288/1995 Sb., o střelných zbraních a střelivu (zákon o střelných zbraních), ve znění zákona č. 13/1998 Sb., a zákona č. 368/1992 Sb., o správních poplatcích ve znění pozdějších předpisů, a zákona č. 455/1991 Sb., o živnostenském podnikání (živnostenský zákon), ve znění pozdějších předpisů, (zákon o zbraních)*, **Firearms Act**, Sběrka zákonů ČR of 9.4.2009, available at: <https://www.zakonyprolidi.cz/cs/2002-119/zneni-20210130>.
- Act No 228/2005 Coll., on Control of Trade in Products Whose Possession is Regulated in the Czech Republic for Security Reasons, and on Amendment to Some Other Acts, *Zákon č. 228/2005 Sb., o kontrole obchodu s výrobky, jejichž držení se v České republice omezuje z bezpečnostních důvodů, a o změně některých zákonů*, **AITP**, Sběrka zákonů ČR of 16.6.2005, available at: <https://www.zakonyprolidi.cz/cs/2005-228>.
- Act No 156/2000 Coll., on the Verification of Firearms, Ammunition, and Pyrotechnic Objects and amending Act No 288/1995 Coll., on Firearms and Ammunition (the Firearms Act), as amended by Act No 1998 Coll., and Act No 368/1992 Coll., on Administrative Fees, as amended, *Zákon č. 156/2000 Sb., o ověřování střelných zbraní, střeliva a pyrotechnických předmětů a o změně zákona č. 288/1995 Sb., o střelných zbraních a střelivu (zákon o střelných zbraních), ve znění zákona č. 1998 Sb., a zákona č. 368/1992 Sb., o správních poplatcích, ve znění pozdějších předpisů*, **VFAA**, Sběrka zákonů ČR of 21.6.2000, available at: <https://www.zakonyprolidi.cz/cs/2000-156?text=156%2F2000>.
- Act No 250/2016, on Liability for Misdemeanours and their Proceedings, as amended, *Zákon č. 250/2016 Sb. o odpovědnosti za přestupky a řízení o nich*, **Misdemeanours Act**, available at: <https://www.zakonyprolidi.cz/cs/2016-250>.

Act No. 418/2011 Coll., on Criminal Liability of Legal Entities and Proceedings Against Them, Zákon č. 418/2011 Sb. o trestní odpovědnosti právnických osob

a řízení proti nim, Act 418/2011, available at:
<https://www.zakonyprolidi.cz/cs/2011-418>. *Other abbreviations*

S. – Section

Para. – Paragraph

Summary

Illicit manufacturing of firearms, their essential components and ammunition

Illicit manufacturing of firearms, their essential components and ammunition is not expressly defined under national law. Nonetheless, both criminal and administrative sanctions apply to activities that cover the offence. The offence of 'unlicensed arming' is defined in the Czech Criminal Code (Section 279). It refers to manufacture of a firearm, essential components or ammunition without permission. It does not explicitly mention 'assembly' of firearms but can be broadly interpreted to cover it. The definition also lacks a specific reference to marking but this is addressed by the VFAA (administrative law) as manufacturing contrary to national requirements for firearm marking. For the offence of unlicensed arming, natural persons may be punished by imprisonment for up to two years (no minimum sanction is foreseen), prohibition of activity, or forfeiture of an item. Legal persons may be punished with penalties such as dissolution, forfeiture of property, monetary penalty (with a daily rate of at least EUR 41 and at most EUR 81,967), forfeiture of an item, prohibition of activity, and publication of the verdict. Administrative sanctions for misdemeanours related to marking violations apply only to legal persons and include monetary fines (up to EUR 204,918; no minimum sanction is foreseen) and forfeiture of items (based on the VFAA). Consequently, illicit manufacturing of firearms under national law is aligned with the definitions from the Firearms Directive and the UN Firearms Protocol.

Illicit trafficking of firearms, their essential components and ammunition

Like illicit manufacturing, illicit trafficking of firearms, their essential components and ammunition is not expressly defined under national law. The national provision for 'unlicensed arming' in Czechia, as defined in Section 279 of the Criminal Code, covers part of the definition outlined in the Firearms Directive and the UN Firearms Protocol, i.e. acquisition. The same penalties as for illicit manufacturing apply. The elements of delivery, movement or transfer of firearms, their essential components or ammunition without authorisation, or if the firearms are not marked in accordance with the law, are covered by other national acts – the Firearms Act, AITP, and VFAA. The essential conditions for the acquisition, import, transport, and export of firearms are covered by Section 76, Firearms Act. Marking requirements are set out in Section 22a(2), VFAA. The AITP, which deals with the control of trade in restricted products but does not provide the same level of detail regarding firearms specifically, addresses in Sections 14 and 15 the transportation, import, export, or possession of specified products (including firearms and ammunition). The Firearms Act foresees fines of up to EUR 81,967 (no minimum sanction is foreseen) for natural persons. Under the IATP, natural persons can face fines of up to EUR 122,950 (no minimum sanction is foreseen) , or up to five times the price of the specified products or designated products, if the latter is higher than EUR 122,950. Legal persons under the IATP may face fines up to EUR 204,918 or five times the price of the specified products or designated products for severe misdemeanours, and EUR 20,491 for other misdemeanours; no minimum sanctions are foreseen. Administrative sanctions for misdemeanours related to marking violations apply only to legal persons and include monetary fines (up to EUR 204,918, no minimum sanction is foreseen) and forfeiture of items (based on the VFAA). Overall, the national legislation aligns with international definitions of illicit trafficking of firearms, their essential components and ammunition as outlined in the Firearms Directive and the UN Firearms Protocol.

Falsification or illicit obliteration, removal, or alteration of the marking(s) on firearms and essential components

Czechia has effectively implemented the UN Firearms Protocol, which came into force in 2013, aligning its legal framework with international standards. Amendments to Section 279 of the

Criminal Code have refined the offence of unlicensed arming. Anyone who forges, alters, defaces or removes the unique marking of a firearm that enables its identification will be subject to criminal liability under Section 279(2), Criminal Code. Those found guilty face imprisonment for up to two years (no minimum sanction is foreseen), potential prohibitions, or asset forfeiture. Regarding legal persons, see conclusion regarding illicit manufacturing (the same sanctions apply). Furthermore, the VFAA outlines national requirements for firearm marking and imposes administrative sanctions, including fines (up to EUR 204,918, no minimum sanction in foreseen) on legal entities and entrepreneurial individuals involved in marking-related misdemeanours.

Illegal possession of firearms, their essential components and ammunition

In Czechia, illegal possession of firearms is generally understood as the unlawful possession, acquisition, or ownership of firearms, ammunition, or related items in violation of the Firearms Act. The Firearms Act functions as a regulation specifying and elaborating, particularly, the factual elements of the criminal offence of unlicensed arming as stipulated in Section 279 of the Criminal Code, which refers to acquisition and storage of firearms, their essential components and ammunition without authorisation. Violations can lead to imprisonment for up to two years (no minimum sanction is foreseen), forfeiture of items, or prohibitions of activity. Natural persons may face fines of up to EUR 2049 for possession without the required permits, while legal entities could be fined up to EUR 4098 (Section 76c(6) Firearms Act); no minimum sanctions are foreseen. All elements from the Firearms Directive are covered by the national law.

1. Illicit manufacturing of firearms, their essential components and ammunition

1.1 Definitions

How is the offence defined in national legislation?

Section 279(1) and (2) Criminal Code	
<p>Nedovolené ozbrojování (1) Kdo bez povolení vyrobí, sobě nebo jinému opatří nebo přechovává střelnou zbraň nebo její hlavní části nebo díly nebo ve větším množství střelivo nebo zakázaný doplněk zbraně, bude potrestán odnětím svobody až na dvě léta, zákazem činnosti nebo propadnutím věci. (2) Stejně bude potrestán, kdo uvede do střelbyschopného stavu znehodnocenou zbraň nebo na ní provede konstrukční změny směřující k jejímu uvedení do střelbyschopného stavu nebo na zbraní provede konstrukční změny směřující ke zvýšení její účinnosti, nebo kdo padělá, pozmění, zahazuje nebo odstraňuje jedinečné označení střelné zbraně, které umožňuje její identifikaci.</p>	<p>Unlicensed Arming (1) <u>Whoever without permission manufactures</u>, acquires for him-/herself or for another person or stores a <u>firearm (střelná zbraň) or its main components or parts or ammunition</u> in larger amount or a prohibited accessory of a weapon, shall be sentenced to imprisonment for up to two years, to prohibition of activity or to forfeiture of an item. (2) The same sentence shall be imposed on anyone who, puts a deactivated weapon into a firing state or makes structural changes to it aimed at bringing it into a firing state or makes structural changes to a weapon aimed at increasing its effectiveness, or who forges, alters, defaces or removes the unique marking of a firearm (<i>střelná zbraň</i>) that enables its identification.</p>
Section 22a(1) and (2) VFAA	
<p>(1) Kontrolovaná osoba se dopustí přestupku tím, že a) neoprávněně použije zkušební nebo další značku, certifikát anebo jiný dokument vydaný Úřadem podle tohoto zákona, b) uvede na trh nebo distribuuje kontrolovaný výrobek, který nespĺňuje stanovené technické požadavky podle § 4 odst. 1, nebo c) nespĺní opatření podle § 20a odst. 2. (2) Výrobce, dovozce nebo vývozce se dopustí přestupku tím, že a) uvede na trh kontrolovaný výrobek v rozporu s § 16 odst. 1 písm. a), b) v rozporu s § 16 odst. 1 písm. b) vyveze kontrolovaný výrobek, c) neoznačí alespoň jednu z hlavních částí střelné zbraně podle § 16 odst. 1 písm. c), (...) e) neponechá na hlavní části zbraně, která je vyrobena z kovu, měkké místo pro vyražení příslušné zkušební značky podle § 16 odst. 1 písm. e),</p>	<p>(1) A <u>controlled entity</u> commits a <u>misdemeanour</u> by: (a) unauthorised use of a test or other mark, certificate, or document issued by the Office under this Act. <i>Note: This provision pertains to controlled entities that misuse marks, certificates, or documents issued by the relevant authority. Illicit manufacturers might engage in unauthorised use of such marks or certificates to falsely claim that their firearms meet safety or technical requirements when they do not.</i> (b) placing on the market or distributing a controlled product that does not meet the specified technical requirements under S. 4 para. 1. <i>Note: This provision concerns the act of placing controlled products (including firearms) on the market without meeting specified technical requirements. Illicit manufacturers may produce firearms that do not meet legal standards and attempt to distribute them on the market.</i> (c) failing to comply with measures under S.</p>

<p>(...)</p> <p>g) neoznačí kontrolované výrobky identifikačními údaji bez zbytečného odkladu po jejich vyrobění nebo dovezení podle § 16 odst. 1 písm. g).</p> <p>(...)</p>	<p>20a para. 2.</p> <p><i>Note: This provision deals with the failure to comply with regulatory measures. It is important for preventing illicit manufacturing because it obliges manufacturers to adhere to specific requirements and safety measures. Section 20a (2) pertains to actions taken by an inspector from the relevant authority following a compliance inspection. It allows the inspector to prohibit, pending rectification, the introduction of controlled products into the market or their delivery if these products do not meet the requirements stipulated by the law or specific legal regulations. The procedure for implementing this measure involves verbal notification to the affected entity and subsequently documenting this action in the inspection protocol in writing.</i></p> <p>(2) A <u>manufacturer, importer, or exporter commits a misdemeanour</u> by:</p> <p>(a) placing on the market a controlled product in violation of S. 16 para. 1 letter a).</p> <p>(b) exporting a controlled product in violation of S. 16 para. 1 letter b).</p> <p>(c) failing to mark at least one of the main parts of a firearm in accordance with S. 16 para. 1 letter c).</p> <p>(...)</p> <p>(e) not providing a soft spot on the main part of a firearm made of metal for the purpose of stamping the relevant test mark under S. 16 para. 1 letter e).</p> <p>(...)</p> <p>(g) failing to mark controlled products with identification data without undue delay after their manufacture or import under S. 16 para. 1 letter g).</p> <p><i>Note: Manufacturers, importers, and exporters are penalised if they place firearms on the market in violation of specific regulations. According to Section 16, manufacturers, importers, and exporters are required to:</i></p> <p>a) place controlled products on the market only if they are verified and bear a valid test mark,</p> <p>b) export controlled products only if they bear a valid test or control mark,</p> <p>c) after issuing a homologation certificate, mark at least one of the main parts of the firearm with a test mark specified in the certificate; if this is not possible, the Authority will determine another suitable method of marking,</p> <p>e) leave a soft spot on the main parts of firearms made of metal for the relevant test mark; if this is not possible, the Authority will determine a suitable method of marking,</p> <p>g) label controlled products with identification data in accordance with implementing legislation without unnecessary delay after their manufacture or import.</p>
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Please assess how the definition of the offence of illicit manufacturing in the national law reflects the following definitions:

Article 1(1)(11) of the Firearms Directive:

'illicit manufacturing' means the manufacturing or assembly of firearms, their essential components and ammunition:

- (a) from any essential component of such firearms illicitly trafficked;*
- (b) without an authorisation issued in accordance with Article 4 by a competent authority of the Member State where the manufacture or assembly takes place; or*
- (c) without marking firearms at the time of manufacture in accordance with Article 4;*

UN Firearms Protocol, Article 3(d)

(d) "Illicit manufacturing" shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:

- (i) From parts and components illicitly trafficked;*
- (ii) Without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or*
- (iii) Without marking the firearms at the time of manufacture, in accordance with article 8 of this Protocol;*

The **Czech Firearms Act** regulates the conditions for the production, sale, import, export and storage of firearms and ammunition in Czechia. It outlines the conditions under which these activities can be carried out legally, that is, with relevant permission. It does not contain a definition of 'illicit manufacturing'. Instead, the **Criminal Code provides for a definition of 'unlicensed arming' in Section 279, which includes manufacturing without the relevant permission.**

The criminal offence "unlicensed arming" falls under Chapter VII General Dangerous Criminal Acts. This provision is generally accepted as a blanket factual basis in theory.² The fact that Section 279 is a blanket provision has been explicitly stated by the Supreme Court several times. The Supreme Court has stated "*The factual basis set forth in Section 279 of the Criminal Code is a blanket factual basis. The handling of firearms and ammunition, and other activities or obligations related to it, is primarily regulated by the Firearms Act*" (Supreme Court decision 8 Tdo 1149/2018; similarly see Supreme Court decision 8 Tdo 198/2021). Therefore, there is no doubt that considering the occurrence of criminal liability in connection with Section 279 of the Criminal Code in practice is inconceivable without taking into account the legal regulation in the field of firearms and ammunition.³

Overall, the national definition of 'unlicensed arming' in Czechia aligns with the definitions of illicit manufacturing as outlined in the Firearms Directive (Article 1(1)(11)) and the UN Firearms Protocol (Article 3(d)).

The national provision (S. 279 paragraph 1) covers the manufacturing of firearms, their parts and components or ammunition without the required authorisation. While the legal text does not explicitly mention the 'assembly' of firearms, the provisions may be broadly interpreted to cover activities related to unauthorised assembly, modification, or possession of firearms and related items, depending on the specific circumstances of the case. If assembly involves making structural changes to a firearm aimed at bringing it into a firing state or increasing its

² JELÍNEK, Jiří. *Trestní právo hmotné: Obecná část, Zvláštní část*. Praha: Leges, 2022, s. 780.; ŠÁMAL, Pavel et al., eds. *Trestní právo hmotné*. Praha: Wolters Kluwer, 2016. s. 916.

³ DVOŘÁK, Jan. *Nedovolené ozbrojování*. Praha: Wolters Kluwer, 9/2023, p.2

effectiveness, it could potentially be covered under S. 279 paragraph 2.

While the national provision does not explicitly mention the element 'from any essential component of such firearms illicitly trafficked,' its general language can be interpreted to include illicit manufacturing as defined in point (a) of Article 1(1)(11) of the Firearms Directive since the law makes no distinction with regard to the source of the component.

Furthermore, the national provision does not have an explicit reference to marking. The national provision provides for the cases of manufacturing of firearms and ammunition without referring specifically to marking because a manufactured firearm, which does not have requested marking, is manufactured contrary to the national requirements for marking of firearms under the **Act on the Verification of Firearms, Ammunition, and Pyrotechnic Objects (VFAA)** and, therefore, can be sanctioned accordingly for committing a **misdemeanour**. The VFAA governs the rights and obligations of manufacturers, importers, exporters, distributors and repairers of firearms, weapon accessories and ammunition, as well as holders of firearms licences during their verification.

Finally, the national provision does not explicitly cross-reference Article 4 of the Firearms Directive or Article 8 of the UN Firearms Protocol in the same manner as those articles are structured in international documents. However, elements of the definitions from these international documents can be inferred from the national legislation.

1.2 Sanctions

Indicate which sanctions are set up in national law for the offence of illicit manufacturing of firearms, their essential components and ammunition for natural and legal persons. These should include administrative and criminal sanctions (for the purposes of this question, sanctions are understood as fines and terms of imprisonment). In case your country works with a special fine calculation method (e.g., fine/day system, indexation), please specifically explain that. For all types of sanctions, please describe the range of potential penalties, i.e. minimum and maximum custodial sentence and/or fines.

Natural persons

Section 279(1) and (2) Criminal Code

Nedovolené ozbrojování

(1) Kdo bez povolení vyrobí, sobě nebo jinému opatří nebo přechovává střelnou zbraň nebo její hlavní části nebo díly nebo ve větším množství střelivo nebo zakázaný doplněk zbraně, bude potrestán odnětím svobody až na dvě léta, zákazem činnosti nebo propadnutím věci.

(2) Stejně bude potrestán, kdo uvede do střelbyschopného stavu znehodnocenou zbraň nebo na ní provede konstrukční změny směřující k jejímu uvedení do střelbyschopného stavu nebo na zbraní provede konstrukční změny směřující ke zvýšení její účinnosti, nebo kdo padělá, pozmění, zahazuje nebo odstraňuje jedinečné označení střelné zbraně, které umožňuje její identifikaci.

Unlicensed Arming

(1) **Whoever without permission manufactures**, acquires for him-/herself or for another person or stores a firearm (*střelná zbraň*) or its main components or parts or ammunition in larger amount or a prohibited accessory of a weapon, shall be sentenced to **imprisonment for up to two years**, to prohibition of activity or to forfeiture of an item.

(2) **The same sentence** shall be imposed on anyone who puts a deactivated weapon into a firing state or makes structural changes to it aimed at bringing it into a firing state or makes structural changes to a weapon aimed at increasing its effectiveness, or who forges, alters, defaces or removes the unique marking of a firearm (*střelná zbraň*) that enables its identification.

Legal persons

Section 15 Act 418/2011	
<p>Druhy trestů a ochranných opatření</p> <p>(1) Za trestné činy spáchané právnickou osobou lze uložit pouze tyto tresty</p> <p>a) zrušení právnické osoby, b) propadnutí majetku, c) peněžitý trest, d) propadnutí věci, e) zákaz činnosti, (...) i) uveřejnění rozsudku.</p> <p>(2) Za trestné činy spáchané právnickou osobou lze uložit jako ochranné opatření zabránění věci nebo zabránění části majetku.</p> <p>(3) Právnické osobě lze uložit tresty a ochranná opatření uvedená v odstavcích 1 a 2 samostatně nebo vedle sebe. Nelze však uložit peněžitý trest nebo zabránění části majetku vedle propadnutí téže části majetku a trest propadnutí věci vedle zabránění téže věci.</p>	<p>(1) For criminal offences committed by a legal entity, the following penalties may be imposed:</p> <p>a) Dissolution of the legal entity, b) Forfeiture of property, c) Monetary penalty, d) Forfeiture of an item, e) Prohibition of activity, (...), (i) Publication of the verdict.</p> <p>(2) For criminal offences committed by a legal entity, as a protective measure, the seizure of an item or part of property may be imposed.</p> <p>(3) Penalties and protective measures listed in paragraphs 1 and 2 can be imposed on a legal entity separately or in conjunction. However, a monetary fine or seizure of part of property cannot be imposed alongside the forfeiture of the same portion of property, and the penalty of forfeiture of an item cannot be imposed alongside the seizure of the same item.</p>
Section 18 Act 418/2011	
<p>Peněžitý trest</p> <p>(1) Soud může uložit právnické osobě peněžitý trest, odsuzuje-li ji za úmyslný trestný čin nebo trestný čin spáchaný z nedbalosti. Uložení peněžitého trestu nesmí být na újmu práv poškozeného.</p> <p>(2) Denní sazba činí nejméně 1 000 Kč a nejvíce 2 000 000 Kč. Při určení výše denní sazby zohlední soud majetkové poměry právnické osoby. (...)</p>	<p>Monetary penalty</p> <p>(1) The court may impose a monetary penalty on a legal entity if it convicts it of an intentional criminal offence or a criminal offence committed through negligence. The imposition of a monetary penalty shall not prejudice the rights of the injured party.</p> <p>(2) The daily rate shall be at least CZK 1,000 (EUR 41) and at most CZK 2,000,000 (EUR 81,967). When determining the amount of the daily rate, the court shall take into account the financial situation of the legal entity.</p>
Section 22a(6) VFAA	
<p>(6) Za přešupek lze uložit pokutu do</p> <p>a) 5000000 Kč, jde-li o přešupek podle odstavce 1 písm. a) až c), odstavce 2 písm. a) až e) nebo g) nebo odstavce 4,</p>	<p>(6) A fine of up to:</p> <p>(a) CZK 5,000,000 (EUR 204,918) may be imposed for misdemeanours under paragraphs 1 letters a) to c), 2 letters a) to e) or g), or 4.</p>

Activities that correspond to illicit manufacturing in Czechia can be sanctioned as criminal offences and misdemeanours.

■ Criminal sanctions

Natural persons

A natural person can be punished for illicit manufacturing by the **deprivation of liberty for a period of up to two years** (no minimum sanction is foreseen), prohibition of activity or forfeiture of an item (Section 279(1) Criminal Code).

It should be noted that the amendment to the Criminal Code (Act No. 220/2021), which came into effect on 1 January 2022, allows for the application of Section 33 of the Criminal Code regarding effective remorse in cases of unlicensed arming. It means that it is now possible for the criminal liability to be extinguished based on the perpetrator's effective remorse.

Legal persons

Act No. 418/2011 Coll., on Criminal Liability of Legal Entities and Proceedings Against Them regulates the conditions for the criminal liability of legal entities, penalties, and protective measures that can be imposed on legal entities for the commission of specified criminal offences, as well as the procedures for actions taken against legal entities. Section 279 of the Criminal Code is not excluded from liability of legal persons; therefore, legal entities can be punished for this offence.

When it comes to penalties for legal entities in Czechia, they differ from those that can be imposed on individuals. Legal entities cannot be sentenced to imprisonment. Instead, the law provides for the following penalties for legal entities in general (i.e. not specific to illicit manufacturing):

- a. Dissolution of the legal entity: The court may impose dissolution of a legal entity on a legal entity domiciled in the Czech Republic if its activities were primarily or predominantly aimed at committing a criminal offence or criminal offences. The penalty of dissolution of a legal entity cannot be imposed if the nature of the legal entity prohibits it;
- b. Forfeiture of property: The court may impose the penalty of forfeiture of property on a legal entity if it is convicted of a particularly serious crime through which it gained or attempted to gain a material benefit for itself or another party. The court may impose the penalty of forfeiture of property only in cases where the Criminal Code allows for it (in case of unlicensed arming only forfeiture of an item is allowed);
- c. **Monetary penalty:** The daily rate shall be at least CZK 1,000 (EUR 41) and no more than CZK 2,000,000 (EUR 81,967). When determining the amount of the daily rate, the court shall take into account the financial circumstances of the legal entity;
- d. Forfeiture of an item: The court may impose on a legal entity the penalty of forfeiture of an item, including the forfeiture of a substitute value, under the conditions specified by the Criminal Code;
- e. Prohibition of activity: The court may impose on a legal entity the penalty of a prohibition of activity for a period of one to twenty years if the criminal offence was committed in connection with that activity;
- f. Publication of the verdict.

■ Misdemeanours

Natural persons

The Firearms Act does not outline specific administrative or misdemeanour sanctions for natural persons related to illicit manufacturing. Instead, such activities are addressed as criminal offences with corresponding criminal penalties (see above).

Legal persons

The VFAA establishes in Section 22a administrative sanctions to address misdemeanours related to firearm marking. These sanctions are applied when legal entities and

entrepreneurial individuals engage in actions that result in firearms not meeting the prescribed marking standards. The relevant sections (e.g., S. 16 para. 1 letter c, e, and g) specify that manufacturers, importers, and exporters are required to mark the products with appropriate test marks, control marks, and identification data. Failing to do so or not providing a proper marking on the main parts of firearms, when necessary, can result in a misdemeanour charge. Legal entities may face a **monetary penalty** of up to EUR 204,918 (no minimum sanction is foreseen).

If the national legislation provides for both criminal and administrative sanctions, explain what the relationship between the criminal and administrative sanctions is, namely if the principle *ne bis in idem* applies.

The Czech legislation provides both criminal and misdemeanour (administrative) sanctions related to the activities of illicit manufacturing.

Criminal sanctions, governed by the Criminal Code and criminal procedures, are reserved for more severe violations of firearms laws, targeting individuals posing substantial threats to public safety. These sanctions aim to penalize offenders and act as a deterrent against similar unlawful activities. Criminal proceedings involve formal investigations, trials, and strict adherence to criminal law principles.

On the other hand, administrative sanctions, or misdemeanours, are regulatory tools used to address less serious non-compliance with administrative and licensing requirements related to firearms. These measures come into play for minor infringements, such as administrative oversights in licensing or registration. Their primary objective is to ensure compliance with firearms regulations and foster responsible firearm ownership. Administrative sanctions are administered by relevant administrative or regulatory authorities, operating independently from the criminal justice system. The procedures involved are typically less formal than those in criminal trials.

In Czechia, the legal principle "ne bis in idem" which prevents an individual from being prosecuted or punished twice for the same offence is recognised and applied. This fundamental principle, expressed through "ne bis in idem," finds its procedural expression in the concept of *res judicata*. It is safeguarded under the constitutional guarantee of the right to a fair trial, as outlined in Article 40(5) of the Charter of Fundamental Rights and Freedoms. It means that if a person has already been subjected to criminal prosecution and punishment for a particular offence, they cannot be subsequently subjected to administrative sanctions for the same offence, and vice versa.

Sections 11 and 11a of the Criminal Procedure Code govern specific cases of inadmissibility of criminal prosecution. Specifically, Section 11(1)(k) of the Criminal Procedure Code states that: "Criminal proceedings cannot be initiated, or if they have already been initiated, they must be terminated if a previous proceeding for the same act against the same person has concluded with a final decision regarding a misdemeanour, and the time limit for initiating a review proceeding under another legal regulation, in which the decision regarding the misdemeanour may be overturned, has expired."

Indicate if there are any other accompanying sanctions or measures (e.g., confiscation or revocation of authorisations), describing, if relevant, in which circumstances they apply.

Section 279(1) and (2) Criminal Code

Nedovolené ozbrojování (1) Kdo bez povolení vyrobí, sobě nebo jinému opatří nebo přechovává střelnou	Unlicensed Arming (1) Whoever without permission manufactures, acquires for him-/herself or
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<p>zbraň nebo její hlavní části nebo díly nebo ve větším množství střelivo nebo zakázaný doplněk zbraně, bude potrestán odnětím svobody až na dvě léta, zákazem činnosti nebo propadnutím věci.</p> <p>(2) Stejně bude potrestán, kdo uvede do střelbyschopného stavu znehodnocenou zbraň nebo na ní provede konstrukční změny směřující k jejímu uvedení do střelbyschopného stavu nebo na zbraní provede konstrukční změny směřující ke zvýšení její účinnosti, nebo kdo padělá, pozmění, zahlazuje nebo odstraňuje jedinečné označení střelné zbraně, které umožňuje její identifikaci.</p>	<p>for another person or stores a firearm (<i>střelná zbraň</i>) or its main components or parts or ammunition in larger amount or a prohibited accessory of a weapon, shall be sentenced to imprisonment for up to two years, <u>to prohibition of activity or to forfeiture of an item.</u></p> <p>(2) <u>The same sentence</u> shall be imposed on anyone who, puts a deactivated weapon into a firing state or makes structural changes to it aimed at bringing it into a firing state or makes structural changes to a weapon aimed at increasing its effectiveness, or who forges, alters, defaces or removes the unique marking of a firearm (<i>střelná zbraň</i>) that enables its identification.</p>
Section 70 Criminal Code	
<p>Propadnutí věci</p> <p>(1) Soud uloží trest propadnutí věci, která je bezprostředním výnosem z trestné činnosti.</p> <p>(2) Soud může uložit trest propadnutí věci, a) která je nástrojem trestné činnosti, nebo b) která je zprostředkovaným výnosem z trestné činnosti, pokud hodnota věci tvořící bezprostřední výnos z trestné činnosti není ve vztahu k hodnotě věci tvořící zprostředkovaný výnos z trestné činnosti zanedbatelná.</p> <p>(3) Trest propadnutí věci může soud uložit, jen jde-li o věc náležející pachateli.</p> <p>(4) Drží-li pachatel v rozporu s jiným právním předpisem věc uvedenou v odstavci 2, ve vztahu k níž je možno uložit propadnutí věci, uloží mu soud vždy i tento trest.</p> <p>(5) Před právní mocí rozhodnutí platí zákaz zcizení propadlé věci, který zahrnuje i zákaz jiných dispozic směřujících ke zmaření trestu propadnutí věci.</p> <p>(6) Propadlá věc připadá státu. Zástavní práva k propadlé věci nezanikají.</p>	<p><u>Forfeiture of an item</u></p> <p>(1) The court shall impose the penalty of forfeiture of an item that is the direct proceeds of criminal activity.</p> <p>(2) The court may impose a penalty of forfeiture of an item</p> <p>(a) which is an instrument of criminal activity, or</p> <p>(b) which is a mediated proceeds from criminal activity, provided that the value of the item constituting the direct proceeds of criminal activity is not negligible compared to the value of the item constituting the indirect proceeds from criminal activity.</p> <p>(3) The court may impose the forfeiture of an item only if it belongs to the perpetrator.</p> <p>(4) If the perpetrator unlawfully possesses an item mentioned in paragraph 2, for which forfeiture is possible under another legal regulation, the court shall always impose this penalty as well.</p> <p>(5) Before the legal force of the decision, there is a prohibition on the disposal of forfeited items, which includes a prohibition on other dispositions aimed at thwarting the penalty of forfeiture.</p> <p>(6) A forfeited item belongs to the state. Liens on forfeited items do not expire.</p>
Section 73 Criminal Code	
<p>Zákaz činnosti</p> <p>(1) Soud může uložit trest zákazu činnosti na jeden rok až deset let, dopustil-li se pachatel trestného činu v souvislosti s touto činností.</p> <p>(2) Trest zákazu činnosti jako trest samostatný může soud uložit pouze v</p>	<p><u>Prohibition of Activity</u></p> <p>(1) The court may impose a penalty of a prohibition of activity for a period of one to ten years if the offender commits a criminal offence in connection with that activity.</p>

<p>případě, že trestní zákon uložení tohoto trestu za spáchaný trestný čin dovoluje a jestliže vzhledem k povaze a závažnosti spáchaného trestného činu a osobě a poměrům pachatele uložení jiného trestu není třeba.</p> <p>(3) Trest zákazu činnosti spočívá v tom, že se odsouzenému po dobu výkonu tohoto trestu zakazuje výkon určitého zaměstnání, povolání nebo funkce nebo takové činnosti, ke které je třeba zvláštního povolení, nebo jejíž výkon upravuje jiný právní předpis.</p>	<p>(2) The penalty of prohibition of activity as an independent punishment may only be imposed by the court if the criminal law allows for the imposition of this punishment for the committed criminal offence, and if, considering the nature and seriousness of the committed criminal offence, the person's circumstances, and the offender's conditions, the imposition of another punishment is not necessary.</p> <p>(3) The penalty of prohibition of activity consists of prohibiting the convicted person from engaging in a specific occupation, profession, or function, or engaging in activities that require special permission or are regulated by another legal regulation during the execution of this penalty.</p>
Section 101(1) Criminal Code	
<p>Zabrání věci</p> <p>(1) Nebyl-li uložen trest propadnutí věci uvedené v § 70 odst. 2 písm. a), může soud uložit, že se taková věc zabírá,</p> <p>a) náleží-li pachateli, kterého nelze stíhat nebo odsoudit,</p> <p>b) náleží-li pachateli, od jehož potrestání soud upustil, nebo</p> <p>c) ohrožuje-li bezpečnost lidí nebo majetku, popřípadě společnosti, anebo hrozí nebezpečí, že bude sloužit ke spáchání zločinu.</p>	<p><u>Seizure of a thing</u></p> <p>(1) Unless a sentence of forfeiture of a thing or other asset value under Section 70(2)(a) is imposed, the court may order that such thing or other asset value shall be seized,</p> <p>(a) if it belongs to an offender who cannot be prosecuted or sentenced,</p> <p>(b) if it belongs to an offender whose punishment has been waived by the court, or</p> <p>(c) if it endangers the safety of persons or property, eventually the safety of society, or if there is a threat that it will be used to commit a crime.</p>
Sections 56(1) and (2)(b) Firearms Act	
<p>Zadržení zbraně, střeliva nebo dokladu</p> <p>(1) Příslušník policie je oprávněn zadržet zbraň kategorie A, A-I, B, C, C-I nebo D, střelivo, černý lovecký prach, bezdýmný prach, zápalky, zbrojní průkaz, zbrojní licenci, průkaz zbraně, zbrojní průvodní list pro trvalý vývoz, trvalý dovoz nebo tranzit zbraní nebo střeliva, povolení k vývozu podle zákona o kontrole obchodu s výrobky, jejichž držení se v České republice omezuje z bezpečnostních důvodů, evropský zbrojní pas, povolení k přepravě nebo hlášení přepravy zbraní a střeliva podle § 50 nebo 50a, aby jejich držitel zabránil v jednání, kterým porušuje povinnost nebo nedodržuje zákaz stanovený tímto zákonem.</p> <p>(2) Příslušník policie je oprávněn zadržet zbraň kategorie A, A-I, B, C nebo C-I, střelivo do této zbraně, zbrojní průkaz, zbrojní licenci, průkaz zbraně nebo zbrojní průvodní</p>	<p><u>Detention of weapons, ammunition, or documents</u></p> <p>(1) A police officer is authorised to <u>detain firearms</u> of category A, A-I, B, C, C-I, or D, ammunition, black hunting powder, smokeless powder, primers, firearm license, firearm registration certificate, firearm document, firearm accompanying document for permanent export, permanent import, or transit of firearms or ammunition, export permit under the Act on the Control of Trade in Goods, the possession of which is restricted in the Czech Republic for security reasons, European firearms pass, permits for the transport or reporting of the transport of firearms and ammunition under S. 50 or 50a to prevent the holder from engaging in actions that violate an obligation or prohibition established by this law.</p>

<p>list pro trvalý vývoz, trvalý dovoz nebo tranzit zbraní nebo střeliva, povolení k vývozu podle zákona o kontrole obchodu s výrobky, jejichž držení se v České republice omezuje z bezpečnostních důvodů, evropský zbrojní pas, v němž jsou zapsány zbraně kategorie A, A-I, B, C nebo C-I, povolení k přepravě nebo hlášení přepravy zbraní a střeliva podle § 50 nebo 50a, pokud (...)</p> <p>b) byl odňat zbrojní průkaz podle § 27 odst. 1 písm. a), b) nebo c) nebo zbrojní licence podle § 36 odst. 1 písm. b) nebo § 36 odst. 2 a dosavadní držitel zbrojního průkazu nebo zbrojní licence neodevzdal průkaz zbraně, zbraň a střelivo příslušnému útvaru policie, nebo (...)</p>	<p>(2) A police officer is authorised to <u>detain firearms</u> of category A, A-I, B, C, or C-I, ammunition for these firearms, firearm licenses, firearm registration certificates, firearm documents, or firearm accompanying documents for permanent export, permanent import, or transit of firearms or ammunition, export permits under the Act on the Control of Trade in Goods, the possession of which is restricted in the Czech Republic for security reasons, European firearms pass containing firearms of category A, A-I, B, C, or C-I, permits for the transport or reporting of the transport of firearms and ammunition under S. 50 or 50a if: (...)</p> <p>(b) A firearm license has been revoked under Section 27 paragraph 1 letters a), b), or c) or a firearm license under S. 36 paragraph 1 letter b) or Section 36 paragraph 2, and the former holder of the firearm license has not surrendered the firearm registration certificate, firearm, and ammunition to the relevant police unit. (...)</p>
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Section 57(1) and (2) Firearms Act

<p>Zajištění zbraně, střeliva nebo dokladu</p> <p>(1) Příslušný útvar policie může rozhodnout o zajištění zbraně kategorie A, A-I, B, C nebo C-I, střeliva do těchto zbraní, zbrojního průkazu, zbrojní licence, průkazu zbraně nebo zbrojního průvodního listu pro trvalý vývoz, trvalý dovoz nebo tranzit zbraní nebo střeliva, povolení k vývozu podle zákona o kontrole obchodu s výrobky, jejichž držení se v České republice omezuje z bezpečnostních důvodů, evropský zbrojní pas, v němž jsou zapsány zbraně kategorie A, A-I, B, C nebo C-I, povolení k přepravě nebo hlášení přepravy zbraní a střeliva podle § 50 nebo 50a, jestliže proti jejich držiteli bylo zahájeno</p> <p>a) v případě fyzické osoby trestní stíhání pro trestný čin uvedený v § 22 odst. 1,</p> <p>b) v případě právnické osoby trestní stíhání pro úmyslný trestný čin,</p> <p>c) v případě fyzické osoby správní řízení pro přešupek spáchaný tím, že (...)</p> <p>(2) Příslušný útvar policie může rozhodnout o zajištění zbraně kategorie A, A-I, B, C, C-I nebo D, střeliva, černého loveckého prachu, bezdýmného prachu, zápalek, zbrojního průkazu, zbrojní licence, průkazu zbraně,</p>	<p><u>Seizure of weapons, ammunition, or documents</u></p> <p>(1) The relevant police unit may decide to <u>seize firearms</u> of category A, A-I, B, C, or C-I, ammunition for these firearms, firearm licenses, firearm registration certificates, firearm documents, or firearm accompanying documents for permanent export, permanent import, or transit of firearms or ammunition, export permits under the Act on the Control of Trade in Goods, the possession of which is restricted in the Czech Republic for security reasons, European firearms pass containing firearms of category A, A-I, B, C, or C-I, permits for the transport or reporting of the transport of firearms and ammunition under Section 50 or 50a if:</p> <p>(a) In the case of a natural person, criminal proceedings have been initiated for an offence specified in S. 22 paragraph 1.</p> <p>(b) In the case of a legal person, criminal proceedings have been initiated for an intentional criminal offence.</p> <p>(c) In the case of a natural person, administrative proceedings have been initiated for a misdemeanour committed by: (...)</p>
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zbrojního průvodního listu pro trvalý vývoz, trvalý dovoz nebo tranzit zbraní nebo střeliva, povolení k vývozu podle zákona o kontrole obchodu s výrobky, jejichž držení se v České republice omezuje z bezpečnostních důvodů, evropského zbrojního pasu, povolení k přepravě nebo hlášení přepravy zbraní a střeliva podle § 50 nebo 50a, které byly zadrženy podle § 56 a ve věci má být vedeno řízení podle tohoto nebo zvláštního zákona. Pokud není do 1 měsíce od jejich zadržení zahájeno řízení podle tohoto zákona nebo věc není postoupena orgánu oprávněnému vést řízení podle zvláštního zákona, příslušný útvar policie postupuje podle odstavce 8.

(2) The relevant police unit may decide to **seize firearms** of category A, A-I, B, C, C-I, or D, ammunition, black hunting powder, smokeless powder, primers, firearm licenses, firearm registration certificates, firearm documents, or firearm accompanying documents for permanent export, permanent import, or transit of firearms or ammunition, export permits under the Act on the Control of Trade in Goods, the possession of which is restricted in the Czech Republic for security reasons, European firearms pass, permits for the transport or reporting of the transport of firearms and ammunition under S. 50 or 50a, which have been detained under S. 56 and where a proceeding under this law or a special law is to be conducted. If no proceeding under this law is initiated or the matter is not referred to the competent authority for a proceeding under a special law within 1 month from their detention, the relevant police unit proceeds under paragraph 8.

Section 48 Misdemeanours Act

Propadnutí věci

- (1) Propadnutí věci lze uložit jen, jde-li o věc,
 a) která byla ke spáchání přestupku užita nebo určena,
 b) kterou pachatel získal přestupkem nebo jako odměnu za něj, nebo
 c) kterou pachatel, byť i jen zčásti, nabyl za věc uvedenou pod písmenem b), pokud hodnota věci uvedené pod písmenem b) není ve vztahu k hodnotě nabyté věci zanedbatelná.
 (2) Propadnutí věci lze uložit pouze tehdy, jde-li o věc náležející pachateli.
 (3) Propadnutí věci nelze uložit, je-li hodnota věci v nápadném nepoměru k povaze přestupku. Vyžaduje-li to bezpečnost osob nebo majetku nebo jiný obdobný obecný zájem, k hodnotě věci se nepřihlíží.
 (4) Vlastníkem propadlé věci se stává stát.

Forfeiture of an item

- (1) Forfeiture of an item can only be imposed when it concerns property that:
 (a) was used or intended to be used in the commission of misdemeanour,
 (b) was acquired by the offender through the commission of the misdemeanour or as a reward for it, or
 (c) was obtained by the offender, even if only partially, in exchange for the property mentioned in point b), provided that the value of the property mentioned in point b) is not negligible in relation to the value of the acquired property.
 (2) Forfeiture of an item can only be imposed when it concerns property belonging to the offender.
 (3) Forfeiture of an item cannot be imposed if the value of the property is significantly disproportionate to the nature of the offence. If the safety of individuals or property or another similar general interest so requires, the value of the property shall not be taken into consideration.
 (4) The state becomes the owner of the forfeited item.

■ Criminal proceedings

Individuals who engage in unlicensed arming in Czechia may face the penalty of **forfeiture of the items** involved in the offence. According to the Czech law, under certain circumstances, the court can order the forfeiture of items that are directly associated with the criminal activity (see Section 70 of the Criminal Code). According to Section 101(1)(c) of the Code of Criminal Procedure, if the forfeiture of an item listed in Section 70(2)(a) has not been imposed, the court may order the **seizure** of such an item if it poses a threat to the safety of people, property, or society, or if there is a risk that it will be used to commit a crime. This provision reflects the interest of individuals and society as a whole in protecting property, the health, and the lives of people, which necessitates preventing the possession of items that endanger the safety of individuals and property. Generally, items considered to fall into this category include prohibited weapons and ammunition, explosives, narcotics, or poisons.

Furthermore, individuals can be penalised by **prohibition of activity** (Section 73 Criminal Code) for a period of one to ten years if the offender commits a criminal offence in connection with that activity. The penalty of prohibition of activity consists of prohibiting the convicted person from engaging in a specific occupation, profession, or function, or engaging in activities that require special permission or are regulated by another legal regulation during the execution of this penalty.

The same accompanying sanctions mentioned above (i.e. forfeiture of an item and prohibition of activity) can be imposed on legal entities (Section 279 Criminal Code).

■ Administrative (misdemeanours) proceedings

The Misdemeanours Act contains a general regulation of misdemeanour law. It primarily regulates the conditions of liability for misdemeanours, types of administrative penalties and protective measures, and the conditions for their imposition. It also regulates certain specific rules for the procedure of administrative authorities in proceedings related to misdemeanours, which are otherwise governed by the Administrative Procedure Act as a general procedural regulation.⁴

Misdemeanours are only actions that are explicitly designated as such by law. The specific elements of misdemeanours are, therefore, regulated by laws within various areas of state administration (such as the **Firearms Act** in the case of firearm-related misdemeanours), which are in a relationship of specificity to the Misdemeanours Act.

The **forfeiture of an item** (S. 48 **Misdemeanour Act**) can be imposed for any misdemeanour committed by a natural or legal person unless expressly excluded by law. Offences related to activities of illicit manufacturing are not excluded from the scope of this law and the measure is therefore applicable.

In some laws, the imposition of this administrative penalty may be mandatory, for example, when it involves a misdemeanour committed through the possession of a prohibited firearm. The subject of forfeiture can only be an item **owned by the offender** if⁵:

- a) It was used or intended for the commission of the misdemeanour;
- b) It was acquired by the offender as a result of the misdemeanour or as a reward for it;
- c) The offender, even if only in part, obtained it in exchange for an item mentioned in letter b), provided that the value of the property mentioned in letter b) is not negligible in relation to the value of the acquired property.

⁵ Ministry of the Interior, Guide to Act No. 250/2016 Coll., on liability for misdemeanours and proceedings thereof; available at: <https://www.mvcr.cz/soubor/pruvodce-novou-upravou-prestupkoveho-prava.aspx>.

Forfeiture of an item cannot be imposed if the value of the item is significantly disproportionate to the nature of the misdemeanour. However, if it is necessary for the safety of individuals, property, or another similar public interest, the value of the item is not taken into account (e.g., weapons, poisons, explosives, narcotic and psychotropic substances).⁶

In accordance with Section 56 of the **Firearms Act**, a police officer has the authority to **detain** a firearm, ammunition, firearm license, or weapon permit in order to prevent the holder from engaging in actions that violate the obligations or prohibitions set by the Firearms Act. After the firearm or the relevant firearm-related documents have been detained, a decision must be made regarding their forfeiture or seizure. If no decision is made in this regard, the police are required to return the detained item to the holder.

Under Section 57 of the Firearms Act, the relevant police unit has the authority to **seize** firearms, ammunition, prohibited firearm accessories, and related firearm documents if criminal proceedings have been initiated against the holder for specific crimes listed by law or if administrative proceedings for misdemeanours specified by law have been initiated.

Indicate if there are any aggravating and mitigating circumstances specific to the offence of illicit manufacturing. In particular, aggravating circumstances could be specific to this offence. General aggravating or mitigating circumstances that are not specific to illicit manufacturing do not need to be described.

Section 279(4) Criminal Code

(4) Odnětím svobody na dvě léta až osm let bude pachatel potrestán,
 a) spáchá-li čin uvedený v odstavci 3 jako člen organizované skupiny,
 b) spáchá-li takový čin ve větším rozsahu, nebo
 c) spáchá-li takový čin za stavu ohrožení státu nebo za válečného stavu.

(4) The offender shall be sentenced to **imprisonment for two to eight years**, if he/she
 (a) commits the act referred to in paragraph 3 as a member of an organised group,
 (b) commits such an act on a larger scale, or
 (c) commits such an act in a state of national emergency or during a state of war.

Section 42 of the Criminal Code provides a list of general aggravating circumstances that the court may take into account when imposing sentences. In the specific context of the offence of unlicensed arming, the relevant national provision (S. 279 Criminal Code) contains specific provisions outlining **aggravating circumstances** related to the offence, as outlined in paragraph 4.

Aggravating circumstances include:

1. **Membership in an organised group** (S. 279 paragraph (4)(a)): when the offender engages in unlicensed arming as a member of an organised group, the punishment becomes more severe, that is, **imprisonment for two to eight years**;
2. **Large-scale offence** (S. 279 paragraph (4)(b)): Committing unlicensed arming on a larger scale also leads to the more severe punishment mentioned above;
3. **State of national emergency or war** (S. 279 paragraph (4)(c)): If the unlicensed arming occurs during a state of national emergency or during a state of war, the punishment is escalated as mentioned above.

Notably, the national provision does not explicitly outline mitigating circumstances for the

⁶ Ibid.

offence of unlicensed arming. However, there are general mitigating factors that can vary depending on the specific circumstances of each case and may be considered during legal proceedings or sentencing. Mitigating circumstances could include factors such as the offender's cooperation with authorities, remorse, or lack of prior criminal record. These factors are considered by the court in determining an appropriate sentence within the framework of the law.

For sanctions that entail terms of imprisonment, please describe how the sanctions are implemented in practice, i.e., whether in practice imprisonment is imposed by courts or whether prison sentences are served (for instance, according to general practice in Belgium, prison sentences under three years are not implemented). Please take into account relevant case-law (as far as publicly available), administrative measures or documents (e.g. instructions, policy documents such as strategies) or relevant publications/reports.

In the year 2021, there were 314 cases of unlicensed arming registered (these include activities covering illicit manufacturing), as indicated by crime statistics data published by the Police of the Czech Republic on a monthly basis.⁷ The overall clearance rate for unlicensed arming in 2021 was 275 cases. Since raw data alone does not provide sufficient insight into the issue, it is necessary to include additional information and time frames for comparison.

The following table contains crime data for the offence of unlicensed arming since the enactment of the Criminal Code, which is since 1 January 2010.⁸

Year	Number of registered offences	Solved	Solved in %	Committed by individuals with a history of repeat offences	Solved in total (including both initially solved and additionally solved)	Committed in total by individuals with a history of repeat offences	Share of the total number of registered criminal offences
2010	369	295	79,9 %	114	314	N/A	0,12%
2011	457	361	78,9 %	143	401	N/A	0,14%
2012	499	384	76,9 %	148	423	N/A	0,16%
2013	463	362	78,1 %	148	409	N/A	0,14%
2014	455	351	77,1 %	141	401	N/A	0,16%
2015	464	318	68,5 %	136	364	N/A	0,19%
2016	416	289	69,5 %	101	356	124	0,19%
2017	477	366	76,7 %	81	430	94	0,24%
2018	386	290	75,1 %	58	356	69	0,20%
2019	383	295	77,0 %	57	342	71	0,19%
2020	382	295	77,2 %	80	348	89	0,23%
2021	314	218	69,4 %	54	275	70	0,21%

The offence of unlicensed arming is not common and has a very low share of registered criminal activity. In comparison to neighbouring countries, Czechia has the lowest proportion of unlicensed arming in the overall registered crime. The prosecution office dismisses a quarter of unlicensed arming cases, and the proportion of cases resolved through abbreviated pre-trial proceedings is gradually decreasing. **The most frequently imposed primary sanction for unlicensed arming is a conditionally suspended prison sentence.** Almost exclusively, male individuals are the perpetrators, with half of the cases

⁷ Statistics on criminality 2021 [online], available at: <https://www.policie.cz/soubor/2021-12-prosinec-sest-01a-xlsx.aspx>.

⁸ HOLOUBEK, Matěj. Illegal possession and manufacture of firearms (*Nedovolené ozbrojování*). Diploma thesis, supervisor Krupička, Jiří. Charles University, Faculty of Law, available at: <https://dspace.cuni.cz/handle/20.500.11956/181236>.

involving individuals between the ages of 30 and 49. The numbers of legally held firearms and firearm license holders are steadily increasing. Through firearm amnesties, it has been possible to reduce the quantity of illegally held firearms by nearly 26,000 units.⁹

According to Section 81 of the Criminal Code, (1) the court may **conditionally suspend the execution of a sentence of imprisonment** not exceeding three years if, considering the person and the circumstances of the offender, especially taking into account their past life and the environment in which they live and work, as well as the circumstances of the case, it reasonably believes that there is no need to enforce the sentence to influence the offender to lead a proper life; (2) Permission for the conditional suspension of the execution of a sentence of imprisonment does not apply to the execution of other penalties imposed alongside this sentence.

In the following table, selected primary sanctions are presented along with the number of cases that were handled differently, specifically through a cumulative penalty. I have chosen the two most common primary penalties, which are unconditional imprisonment and conditionally suspended imprisonment.¹⁰

Year	Total Convicted Individuals	Unconditional imprisonment	Conditionally suspended imprisonment	Cumulative
2010	46	10	23	3
2011	116	29	72	4
2012	172	55	93	28
2013	221	49	139	28
2014	180	45	113	18
2015	187	52	115	23
2016	187	51	111	24
2017	150	33	89	26
2018	137	28	77	25
2019	123	29	72	21
2020	140	32	77	15
2021	142	42	69	20

The amendment to the Criminal Code (Act No. 220/2021 Coll.)¹¹ which became effective on 1 January 2022 allows for the application of Section 33 of the Criminal Code regarding effective remorse in cases of unlicensed arming. Therefore, it is now possible for criminal liability to be extinguished based on the offender's **effective remorse**. In the context of unlicensed arming, this will most likely involve the voluntary destruction of illegal firearms or ammunition. The effectiveness of this new provision remains to be seen, as well as the extent to which it replaces the firearm amnesties regularly declared during significant amendments to the Firearms and Ammunition Act. The amnesties allowed offenders to "legalize" their firearms, subject to ballistic examination to determine if any crimes had been committed with the particular weapon and if compliant with the conditions of the Firearms and Ammunition Act, it was possible to legally acquire the firearm in cases of actions based

⁹ HOLOUBEK, Matěj. Illegal possession and manufacture of firearms (*Nedovolené ozbrojování*). Diploma thesis, supervisor Krupička, Jiří. Charles University, Faculty of Law, available at: <https://dspace.cuni.cz/handle/20.500.11956/181236>, p. 77.

¹⁰ HOLOUBEK, Matěj. Illegal possession and manufacture of firearms (*Nedovolené ozbrojování*). Diploma thesis, supervisor Krupička, Jiří. Charles University, Faculty of Law, available at: <https://dspace.cuni.cz/handle/20.500.11956/181236>, p. 36.

¹¹ Act No. 220/2021 Coll. amending Act No. 141/1961 Coll., on Criminal Judicial Proceedings (Criminal Procedure Code), as amended, Act No. 40/2009 Coll., the Criminal Code, as amended, Act No. 257/2000 Coll., on Probation and Mediation Services and amending Act No. 2/1969 Coll., on the Establishment of Ministries and Other Central Bodies of State Administration of the Czech Republic, as amended, Act No. 65/1965 Coll., the Labor Code, as amended, and Act No. 359/1999 Coll., on Social and Legal Protection of Children (Probation and Mediation Service Act), as amended, and some other laws, available at: <https://www.zakonyprolidi.cz/cs/2021-220>.

on effective remorse, the firearm is forfeited to the state upon surrender.¹²

1.3 Punishment of attempt, complicity and other forms of involvement in the offences

1.3.1 Attempt

Please explain if and how the attempt to commit the offence of illicit manufacturing of firearms, their essential components and ammunition is punished.

Section 21 Criminal Code

Pokus

(1) Jednání, které bezprostředně směřuje k dokonání trestného činu a jehož se pachatel dopustil v úmyslu trestný čin spáchat, je pokusem trestného činu, jestliže k dokonání trestného činu nedošlo.

(2) Pokus trestného činu je trestný podle trestní sazby stanovené na dokonání trestný čin.

Attempt

(1) A conduct imminently leading to completion of a criminal offence, which has been undertaken by the offender with the intent to commit such an offence, shall be considered as an attempt to commit an offence, unless the offence was completed.

(2) Attempt to commit an offence shall be punishable according to the term of sentence for the respective completed criminal offence.

If someone engages in conduct that is on the verge of completing the criminal offence of illicit manufacturing of firearms, their essential components, or ammunition (in the national context – unlicensed arming) and they have the intent to commit such an offence, their actions can be considered an attempt to commit the offence, even if the offence was not ultimately completed (S. 21 paragraph (1), Criminal Code).

The punishment for attempting to commit the offence of illicit manufacturing of firearms, their essential components, and ammunition would be the same as the punishment for the completed criminal offence itself (S. 21 paragraph (2), Criminal Code).

1.3.2 Complicity and other forms of involvement in the commission of the offences

Please explain if and how participating as an accomplice in the offence is punished. Please also explain if complicity covers the roles of organising, directing, aiding, abetting, facilitating or counselling the commission of the offence of illicit manufacturing, or if (some of) these other forms of involvement are defined and punished separately, or if they are not covered as such by the legislation.

Section 23 Criminal Code

¹² HOLOUBEK, Matěj. Illegal possession and manufacture of firearms (*Nedovolené ozbrojování*). Diploma thesis, supervisor Krupička, Jiří. Charles University, Faculty of Law, available at: <https://dspace.cuni.cz/handle/20.500.11956/181236>, p. 26.

<p>Spolupachatel</p> <p>Byl-li trestný čin spáchán úmyslným společným jednáním dvou nebo více osob, odpovídá každá z nich, jako by trestný čin spáchala sama (spolupachatelé).</p>	<p><u>Accomplice</u></p> <p>If a crime is committed by joint intentional conduct of two or more persons, each of them shall be criminally liable as if they alone had committed the offence (accomplices).</p>
<p>Section 24 Criminal Code</p>	
<p>Účastník</p> <p>(1) Účastníkem na dokonaném trestném činu nebo jeho pokusu je, kdo úmyslně</p> <p>a) spáchání trestného činu zosnoval nebo řídil (organizátor),</p> <p>b) vzbudil v jiném rozhodnutí spáchat trestný čin (návodce), nebo</p> <p>c) umožnil nebo usnadnil jinému spáchání trestného činu, zejména opatřením prostředků, odstraněním překážek, vylákáním poškozeného na místo činu, hlídáním při činu, radou, utvrzováním v předsevzetí nebo slibem přispět po trestném činu (pomocník).</p> <p>(2) Na trestní odpovědnost a trestnost účastníka se užije ustanovení o trestní odpovědnosti a trestnosti pachatele, jestliže trestní zákon nestanoví něco jiného.</p>	<p><u>Participant</u></p> <p>(1) A participant in a completed criminal offence or its attempt is someone who intentionally:</p> <p>(a) planned or organised the commission of a criminal offence (organiser),</p> <p>(b) induced another person to decide to commit a criminal offence (instigator), or</p> <p>(c) enabled or facilitated the commission of a criminal offence by another person, especially by providing means, removing obstacles, luring the victim to the scene of the crime, observing during the commission of the offence, giving advice, reinforcing the intent, or promising to contribute after the criminal offence (aider).</p> <p>(2) The provisions on criminal liability and the criminal nature of the participant shall apply as if they were the perpetrator, unless the criminal law provides otherwise.</p>

Participating as an **accomplice or a participant** in the offence is punished under national law.

■ **Accomplices**

The concept of accomplice, as stipulated by S. 23 Criminal Code, holds that if a crime is committed through **joint intentional conduct of two or more individuals**, each of them is subject to criminal liability as if they had individually committed the offence. The extent and nature of the penalties for accomplices may vary based on their level of participation and the specific circumstances of the case.

Cases are distinguished where each of the accomplices **fulfils the elements of the criminal offence** through their own actions, or one of the accomplices complements the actions of the other accomplice (i.e., each performs a different activity, such as activity "a" and activity "b," and the elements of the criminal offence are fulfilled by combining these actions). In the last case, accomplices engage in criminal activity that, as a whole, fulfils the elements of the criminal offence. The most common example of this is the division of specific tasks among individuals involved in the commission of a criminal offence.¹³

In cases where one or more individuals join in the commission of a criminal offence while it

¹³ Co když trestný čin provádí více osob? 25 November 2019, Mylaw.cz.

is already in progress, it constitutes successive (*sukcesivní*) complicity. In this type of complicity, where the accomplice participates at a time when the perpetrator has already partially committed the criminal act (such as by performing acts constituting a continuation in theft), the accomplice is only responsible for the part they were involved in, provided that there are objective conditions, namely joint actions, and a subjective condition, namely the intent to commit the offence through joint action. The accomplice cannot be held criminally responsible for actions committed earlier by others.¹⁴

■ Participants

As stipulated by S. 24 Criminal Code, a participant in a completed criminal offence or its attempt is someone who intentionally:

- (a) planned or organised the commission of a criminal offence (**organiser**),
- (b) induced another person to decide to commit a criminal offence (**instigator**), or
- (c) enabled or facilitated the commission of a criminal offence by another person, especially by providing means, removing obstacles, giving advice, reinforcing the intent, or promising to contribute after the criminal offence, etc., (**aiders**).

Thus, participation under 'organiser' covers organising and directing, 'instigator' – abetting, 'aiding' – facilitating or counselling the commission of the offence.

The provisions on criminal liability and the criminal nature of the participant apply as if they were the perpetrator unless the criminal law provides otherwise.

1.3.3 Context of a terrorist offence

Please explain if and how the offence, committed in the context of a terrorist offence, is punished.

Section 311(2)(f) Criminal Code

Teroristický útok

(2) Kdo v úmyslu poškodit ústavní zřízení nebo obranyschopnost České republiky, narušit nebo zničit základní politickou, hospodářskou nebo sociální strukturu České republiky nebo mezinárodní organizace, závažným způsobem zastrašit obyvatelstvo nebo protiprávně přinutit vládu nebo jiný orgán veřejné moci nebo mezinárodní organizaci, aby něco konala, opominula nebo trpěla,

f) vyrábí nebo jinak získá, přechovává, dováží, přepravuje, vyváží či jinak dodává nebo užije výbušninu, jaderný materiál, jadernou, biologickou, chemickou nebo jinou zbraň, bojový prostředek nebo materiál obdobné povahy, anebo provádí výzkum a vývoj jaderné, biologické, chemické nebo jiné zbraně nebo bojového prostředku nebo výbušniny,

Terrorist attack

(2) Anyone who, with the intention of damaging the constitutional order or defence capability of the Czech Republic, disrupting or destroying the fundamental political, economic, or social structure of the Czech Republic or international organisations, seriously intimidating the population, or unlawfully compelling the government or another public authority or international organisation to do, omit, or endure something,

(f) **manufactures** or otherwise acquires, possesses, imports, transports, exports, or otherwise supplies or uses explosives, nuclear material, nuclear, biological, chemical, **or other weapons**, combat equipment, or **materials of a similar nature**, or conducts research and development of nuclear, biological, chemical, or other

¹⁴ Resolution of the Supreme Court of the Czech Republic No. 7 Tdo 327/2020-2910, dated May 13, 2020.

bude potrestán odnětím svobody na pět až patnáct let, popřípadě vedle tohoto trestu též propadnutím majetku.	weapons or combat equipment or explosives, shall be punished by imprisonment for five to fifteen years, and in addition to this sentence, also by the forfeiture of property.
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In Czechia, the illicit manufacturing of firearms within the context of a terrorist offence is treated as a severe criminal act with substantial penalties (**five to fifteen years imprisonment** and the forfeiture of property). The relevant legal provision is Section 311(2)(f) of the Czech Criminal Code, which addresses terrorist attacks involving the manufacturing, acquisition, possession, or use of explosives, nuclear material, and various weapons or combat equipment.

1.3.4 Context of organised crime

Please explain if and how the offence, committed in the context of an offence of organised crime, is punished.

Section 129 Criminal Code	
Organizovaná zločinecká skupina Organizovaná zločinecká skupina je společenstvím nejméně tří trestně odpovědných osob s vnitřní organizační strukturou, s rozdělením funkcí a dělbou činností, které je zaměřeno na soustavné páchaní úmyslné trestné činnosti.	Organised criminal group An organised criminal group is a community of at least three criminally liable individuals with an internal organisational structure, division of roles, and division of activities that is focused on the systematic commission of intentional criminal activities.
Section 361 Criminal Code	
Účast na organizované zločinecké skupině (1) Kdo založí organizovanou zločineckou skupinu, kdo se činnosti organizované zločinecké skupiny účastní, nebo kdo organizovanou zločineckou skupinu podporuje, bude potrestán odnětím svobody na dvě léta až deset let nebo propadnutím majetku. (2) Odnětím svobody na tři léta až dvanáct let nebo propadnutím majetku bude pachatel potrestán, spáchá-li čin uvedený v odstavci 1 jako vedoucí činitel nebo představitel organizované zločinecké skupiny.	Participation in an organised criminal group (1) Anyone who establishes an organised criminal group, who participates in the activities of an organised criminal group, or who supports an organised criminal group, shall be punished with imprisonment for two to ten years or forfeiture of property. (2) The offender shall be punished with imprisonment for three to twelve years or forfeiture of property if the act referred to in paragraph 1 is committed as a leading member or representative of the organised criminal group.
Section 279(4)(a) Criminal Code	
(4) Odnětím svobody na dvě léta až osm let bude pachatel potrestán, a) spáchá-li čin uvedený v odstavci 3 jako člen organizované skupiny,	(4) The offender shall be sentenced to imprisonment for two to eight years, if he/she (a) commits the act referred to in paragraph 3 as a member of an organised group,

■ Organised criminal group

Anyone who establishes an organised criminal group (S. 361 paragraph 1, clause 1), who participates in the activities of an organised criminal group (S. 361 paragraph 1, clause 2), or who supports organised criminal groups (S. 361 paragraph 1, clause 3) face specific legal consequences. These consequences include imprisonment of **two to ten years or forfeiture of property** (S. 361(1) of the Criminal Code). The severity of the punishment may vary depending on the role of the individual within the organised criminal group, with leading members or representatives facing more severe penalties, in particular, **three to twelve years of imprisonment**.

■ Organised group

Being part of an organised group committing unlicensed arming is an **aggravating circumstance** that can lead to a more substantial prison sentence, notably, **two to eight years in prison** (S. 279(4)(a) of the Criminal Code). The severity of the punishment may vary depending on the role of the individual within the organised group.

■ Differences between the organised groups

It's important to note that an organised criminal group must exhibit all the characteristics that define it as an organised criminal entity. This means it must be a relatively stable association, not formed ad hoc for the purpose of committing one or two, even if serious, criminal offences. Stability must be evident both in its organisation, including its internal organisational structure, and in its focus, which is oriented toward the continuous commission of intentional criminal activities.¹⁵

In terms of its characteristics as a group of individuals, organised group resembles an organised criminal group but cannot be equated with it. The Criminal Code views committing a criminal offence as a member of an organised group or in association with an organised group as a generally aggravating circumstance and, for many criminal offences, as a circumstance that conditions the use of a higher penalty range. However, the Criminal Code does not explicitly define what constitutes an organised group, leaving this matter to judicial jurisprudence and practice.¹⁶

According to judicial practice, an organised group is understood to be an association of multiple individuals, specifically at least three criminally liable persons, characterised by a division of tasks. As a result, their activities are characterised by planning and coordination, which, on one hand, increases the likelihood of successfully committing a criminal offence and, on the other hand, makes it more difficult to uncover. This, in turn, increases the societal harm and seriousness of the criminal offence (Rulings No. 53/1976-II).¹⁷

What fundamentally distinguishes an organised criminal group from a typical organised group is the presence of a specific internal organisational structure, including a division of functions and tasks. It is characterised by a sophisticated organisation of its activities and internal relationships among individuals involved in its activities, similar to the organisation of a business entity. Additionally, it is marked by relative stability, meaning it operates over an extended period. Strict adherence to established rules, hierarchical relationships (division and hierarchy of functions), and the secrecy surrounding the nature of their activities and the participation of individual members are required. The division of activities and the allocation of functions in an organised criminal group stem from its internal organisational structure.¹⁸

¹⁵ JANOŠEK, Vladimír, *The difference between an organised group and an organised criminal group*, 1. 11. 2021, available at: <https://www.akjanosek.cz/2021/11/01/rozdil-mezi-organizovanou-skupinou-a-organizovanou-zlocineckou-skupinou/>.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

Furthermore, while an organised group may not have or typically does not have long-term existence, the prerequisite for considering a particular association as an organised criminal group is its focus on the systematic commission of criminal activities. This means that the group's primary purpose is continuous engagement in criminal activities.

1.4 Effectiveness, proportionality and dissuasiveness of the sanctions

Provide an assessment of whether the sanctions are effective, proportionate and dissuasive. The following criteria should be taken into account:

- A regime of national sanctions is effective if the penalties set ensure compliance with EU law and have achieved the desired objective (see for example, cases C-81/12 and C-14/83).
- A regime of measures and sanctions is proportionate if the sanctions are commensurate to the seriousness of the breaches for which they are imposed, and the measures do not go beyond what is necessary to achieve the objective (for example, cases C-81/12, C-14/83 C 263/11, para. 44-47 and C-54/07)
- A regime of measures and sanctions is dissuasive if sanctions are of such a type and magnitude that the expected costs are higher than the expected benefits to the offender. Moreover, penalties have a deterrent effect on an offender, who should be prevented from repeating the offence, and on other potential offenders, who should be prevented from committing the said offence (as defined by the European Court in cases C-68/88, C-94/05, C-426/93, C-26/00 and C-189/07).

Please also assess whether **illicit manufacturing of firearms** is of a similar gravity to the offence of **illicit manufacturing/production of drugs**. For this, please **compare** the level of fines and terms of imprisonment set out in national law for these two offences.

Assessing the overall effectiveness, proportionality and dissuasiveness of sanctions for unlicensed arming in Czechia requires a comprehensive evaluation of the legal framework and penalties, as well as an examination of their impact on reducing illicit firearm manufacturing and their use in criminal activities. Here is a summary of the key points and conclusions that can be drawn from desk research:

- Categorisation of the offence: Unlicensed arming is considered general dangerous criminal act under Chapter VII;
- Penalties for unlicensed arming: Penalties include imprisonment for up to two years (no minimum sanction is foreseen), prohibition of activity, or forfeiture of an item. Harsher penalties of imprisonment for two to eight years apply if the offender commits the act as a member of an organised group, on a larger scale, or during a state of national emergency or war, or as part of a criminal group; administrative penalties are also applicable.
In addition, legal persons may be punished with penalties such as dissolution, forfeiture of property, monetary penalty (with a daily rate of at least EUR 41 and at most EUR 81,967), forfeiture of an item, prohibition of activity, and publication of the verdict. Administrative sanctions for misdemeanours related to marking violations apply only to legal persons and include monetary fines (up to EUR 204,918; no minimum sanction is foreseen) and forfeiture of items (based on the VFAA).
- The criminal offence of unlicensed arming is not common and has a very low share in registered crime. Compared to neighbouring countries, Czechia has the lowest rate of unlicensed arming as a proportion of overall registered crime¹⁹;

¹⁹ HOLOUBEK, Matěj. Illegal possession and manufacture of firearms (*Nedovolené ozbrojování*). Diploma thesis, supervisor Krupička, Jiří. Charles University, Faculty of Law, available at: <https://dspace.cuni.cz/handle/20.500.11956/181236>, p. 77.

- The most frequently imposed primary sanction for unlicensed arming is a conditionally suspended prison sentence;
- The penalties for illicit manufacturing/production of drugs are generally more severe and encompass a broader range of circumstances compared to unlicensed arming. This suggests that, under Czech law, the offence of illicit manufacturing/production of drugs is considered to be of greater gravity than the offence of illicit manufacturing of firearms (see comparison of both offences below). **The difference with drug offences raises doubts as to the dissuasiveness of the sanctions for firearms.**

Let's compare the penalties for the offence of unlicensed arming (Section 279) with the offence of illicit manufacturing and other handling of narcotic and psychotropic substances and poisons (Section 283) to assess whether they are of similar gravity.

- Section 279: Penalty for unauthorised manufacturing, obtaining, storing, or handling firearms without permission, as well as other related activities:
 - Imprisonment for up to 2 years (no minimum sanction is foreseen), prohibition of activity, or forfeiture of an item
 - Imprisonment for 2 to 8 years, if the offender (a) commits the act as a member of an organised group; commits such an act on a larger scale, or commits such an act in a state of national emergency or during a state of war.
 - The same sentence shall be imposed on anyone who, puts a deactivated weapon into a firing state or makes structural changes to it aimed at bringing it into a firing state or makes structural changes to a weapon aimed at increasing its effectiveness, or who forges, alters, defaces or removes the unique marking of a firearm (*střelná zbraň*) that enables its identification.
- Section 283: Penalty for unauthorised manufacturing, importing, exporting, offering, mediating, selling, or otherwise handling narcotics, psychotropic substances, or poisons:
 - Imprisonment for 1 to 5 years or a fine;
 - Imprisonment for 2 to 10 years or forfeiture of property if the offence is committed as a member of an organised group, has prior convictions within the last three years, is committed on a significant scale, or involves a larger quantity or is targeted at a child under the age of 15;
 - Imprisonment for 8 to 12 years or forfeiture of property if the offence causes serious harm to health, is committed with the intent of gaining substantial benefit, is committed on a large scale, or is targeted at a child under the age of 15;
 - Imprisonment for 10 to 18 years or forfeiture of property if the offence causes serious harm to the health of at least two persons or results in death, is committed with the intent of gaining a significant benefit, or is committed in conjunction with an organised group operating in multiple states.
- In conclusion, the penalties for illicit manufacturing and handling of narcotics and psychotropic substances and poisons appear to be of greater gravity compared to the penalties for unlicensed arming, particularly when considering the potential for higher imprisonment terms and the tiered structure based on various factors in the former offence. It also raises **doubts as to the dissuasiveness of the sanctions for firearms.**
- The sanctioning system can be considered ***proportional*** as Section 39 of the Criminal Code requires courts to consider a range of factors when determining the type and extent of punishment for firearm-related offenses. The court is instructed to consider the nature and gravity of the committed crime, personal, family, and property circumstances of the offender, as well as the offender's previous way of life and potential for rehabilitation. The court is also instructed to take into account the offender's behaviour after the crime, including efforts to repair damage or mitigate harmful consequences.

The nature and gravity of the offence are determined by factors such as the significance of the protected interest, the method of committing the crime, its consequences, the circumstances under which the crime was committed, the degree of culpability of the offender, and the offender's motive, intent, or purpose. The court is required to consider mitigating and aggravating circumstances, including those specified in Sections 41 and 42 of the Criminal Code. The court is encouraged to adopt an individualized approach, taking into account the specific circumstances of each case, the complexity of the matter, the conduct of law enforcement authorities, and the impact of the criminal proceedings on the offender.

A regime of national sanctions is **effective** as the penalties are in compliance with EU law and achieve the desired objective.

1.5 Illicit manufacturing by 3D printing of firearms

The Commission is aware that law enforcement authorities in the Member States struggle with prosecuting illicit manufacturing of 3D printed firearms and essential components or the attempt to commit such an offence, because judges tend not to consider 3D printing of firearms and essential components as illicit manufacturing, unless it is proven that such firearms or components work. This would require assembling the essential components in a firearm in order to test it in a proof bank.

Is 3D printing of firearms considered illicit manufacturing in your Member State? To answer this question, please consider the actual legal provision for such an offence, but also any relevant case-law (as far as publicly available), administrative measures or documents (e.g. instructions, policy documents such as strategies) or relevant publications/reports. Please describe in particular whether the 3D printing of essential components not yet assembled would be considered directly illicit or would testing be needed? If the 3D printed components are not yet assembled, would that be considered as an attempt to illicit manufacturing or not?

Legal references	N/A (no specific provisions concerning 3D printing of firearms)
Text in national language	Translation in English

In Czechia, until November 2021, no firearm produced using a 3D printer had been seized by the Czech Police.²⁰ Nevertheless, it can be assumed that in Czechia, firearms produced in this way can be found in at least several units.

It is generally legal to 3D print certain firearm accessories in many countries, including Czechia. A simple rule of thumb is that parts that can be purchased without a firearms license can usually be 3D printed as well. These parts often relate to cosmetic modifications or changes in appearance rather than altering the firearm's function. Within the shooting community, it is possible to find 3D-printed front grips, grips, and rails for mounting red dot sights, for example.²¹

²⁰ Ballistics at the Criminalistic Institute of the Police of the Czech Republic: Interview Regarding Unlicensed Arming, the Significance of Forensic Ballistics in Its Suppression, and the Occurrence of 3D-Printed Firearms on November 24, 2021 in HOLOUBEK, Matěj. Illegal possession and manufacture of firearms (*Nedovolené ozbrojování*). Diploma thesis, supervisor Krupička, Jiří. Charles University, Faculty of Law, available at: <https://dspace.cuni.cz/handle/20.500.11956/181236>, p. 73.

²¹ LIBOR KEJVAL. 3D tisk ve světě zbraní. *Střelecká revue*. roč. 53, č. 1/2021, s. 34–35.

In Czechia, 3D printing of firearms is not specifically regulated in the Criminal Code. No relevant case-law or administrative measures could be found.

2. Illicit trafficking of firearms, their essential components and ammunition

2.1 Definitions

How is the offence defined in national legislation?

Section 279(1) and (3) Criminal Code	
<p>Nedovolené ozbrojování</p> <p>(1) Kdo bez povolení vyrobí, sobě nebo jinému opatří nebo přechovává střelnou zbraň nebo její hlavní části nebo díly nebo ve větším množství střelivo nebo zakázaný doplněk zbraně, bude potrestán odnětím svobody až na dvě léta, zákazem činnosti nebo propadnutím věci.</p> <p>(3) Kdo bez povolení</p> <p>a) vyrobí, sobě nebo jinému opatří nebo přechovává výbušninu v množství větším než malém, zbraň hromadně účinnou nebo součástky, jichž je k užití takové zbraně nezbytně třeba, nebo</p> <p>b) hromadí, vyrábí nebo sobě nebo jinému opatřuje zbraně nebo ve značném množství střelivo, bude potrestán odnětím svobody na šest měsíců až pět let.</p>	<p>Unlicensed Arming</p> <p>(1) Whoever without permission manufactures, acquires for him-/herself or for another person or stores a firearm (<i>střelná zbraň</i>) or its main components or parts or ammunition in larger amount or a prohibited accessory of a weapon, shall be sentenced to imprisonment for up to two years, to prohibition of activity or to forfeiture of an item.</p> <p>(3) Whoever without permission</p> <p>(a) manufactures, acquires for him-/herself or another person, or stores explosives in quantities greater than small, a mass-effective weapon or components that are absolutely necessary for the use of such a weapon, or</p> <p>(b) accumulates, manufactures or acquires for him-/herself or another person weapons or a significant quantity of ammunition, shall be punished by imprisonment for six months to five years.</p>
Section 76 Firearms Act	
<p>(1) Fyzická osoba se dopustí přestupku tím, že</p> <p>(...)</p> <p>c) neoznámí podle § 42 odst. 1 nabytí nebo podle § 42 odst. 2 převod vlastnictví ke zbraní kategorie A, A-I, B nebo C,</p> <p>d) trvale vyveze v rozporu s § 44 odst. 1 nebo trvale doveze v rozporu s § 45 odst. 1 anebo dočasně doveze nebo proveze v rozporu s § 46 odst. 1 zbraň kategorie A, A-I, B, C nebo C-I nebo střelivo do této zbraně,</p> <p>(...)</p> <p>(2) Fyzická osoba se dopustí přestupku tím, že jako</p> <p>(...)c) osoba, která vyváží, dováží nebo prováží zbraň kategorie A, A-I, B, C nebo C-I nebo střelivo do této zbraně přes státní hranice České republiky, v rozporu s § 51 odst. 2 tuto skutečnost neoznámí, nebo</p>	<p>(1) A natural person commits a misdemeanour if he/she</p> <p>(...)</p> <p>(c) fails to notify pursuant to S. 42 paragraph 1 of the acquisition or pursuant to S. 42 paragraph 2 of the transfer of ownership of a category A, A-I, B or C weapon;</p> <p><i>Explanation of the cross-references: Section 42</i></p> <p>(1) A natural or legal person who acquires ownership of a firearm of category A, A-I, B, or C for which they do not possess a firearm permit is obligated to report this fact on the prescribed form, the template of which is determined by implementing legal regulations, to the relevant police department within 10 working days from the date of acquisition of ownership and present the firearm. In the case of acquiring ownership of a firearm through inheritance (§ 66), the deadline for notification begins on the day when the court's decision on inheritance becomes legally binding.</p>

<p>nepředloží povolení podle § 44, 45 nebo 46, popřípadě evropský zbrojní pas, anebo zbrojní průvodní list pro tranzit zbraně nebo střeliva popřípadě evropský zbrojní pas nemá u sebe, i když zbraň kategorie A, A-I, B, C nebo C-I nebo střelivo do této zbraně drží nebo nosí, nebo</p>	<p><i>Note: Failure to report the acquisition or transfer of ownership of firearms, especially for specific categories of firearms. This omission can hinder tracking and regulation, contributing to illicit trafficking.</i></p> <p>(d) <u>Illicitly exports</u> in contravention of Section 44(1) or <u>illicitly imports</u> in contravention of Section 45(1) or <u>temporarily imports or transports</u> in contravention of Section 46(1) a firearm of category A, A-I, B, C, or C-I, or ammunition for such firearms.</p> <p>(...)</p> <p><i>Note: Unauthorised import, export, or transit of firearms and ammunition, which facilitates the illegal movement of firearms across borders, a significant concern in illicit trafficking.</i></p> <p>(...)</p> <p>(2) A natural person commits a misdemeanour by:</p> <p>(...)</p> <p>(c) a person who <u>exports, imports, or transports</u> a Category A, A-I, B, C, or C-I firearm or ammunition for such a firearm across the state borders of the Czech Republic and fails to report this fact in violation of S. 51 paragraph 2, or does not submit a permit according to S. 44, 45, or 46, as the case may be, or does not have a European firearms pass or a firearms accompanying document for the transit of a firearm or ammunition or a European firearms passport, even if they hold or carry a Category A, A-I, B, C, or C-I firearm or ammunition for such a firearm.</p> <p><i>Note: This section pertains to actions involving the export, import, or transit of firearms of category A, A-I, B, C, or C-I, or ammunition for such firearms across the state border of Czechia. When done in contravention of specified regulations, it relates to illicit trafficking.</i></p>
<p>Sections 14(1) AITP</p>	
<p>(1) Fyzická osoba se dopustí přestupku tím, že</p> <p>a) v rozporu s § 1 odst. 3</p> <ol style="list-style-type: none"> 1. přepraví nebo doveze stanovený výrobek bez povolení, nebo 2. vyveze určený výrobek bez povolení k vývozu, 	<p>(1) A natural person commits a misdemeanour by</p> <p>(a) contrary to S. 1 paragraph 3</p> <ol style="list-style-type: none"> 1. <u>transports or imports</u> the specified product <u>without permission</u>, or 2. <u>exports</u> the specified product <u>without an export permit</u>,
<p>Section 15(1) AITP</p>	
<p>(1) Právnícká osoba nebo podnikající fyzická osoba se dopustí přestupku tím, že</p> <p>a) v rozporu s § 1 odst. 3</p> <ol style="list-style-type: none"> 1. přepraví nebo doveze stanovený výrobek bez povolení, nebo 	<p>(1) A legal entity or a natural person running a business commits a misdemeanour by</p> <p>(a) contrary to S. 1 paragraph 3</p> <ol style="list-style-type: none"> 1. <u>transports or imports</u> the specified product <u>without permission</u>, or

2. vyveze určený výrobek bez povolení k vývozu,	2. exports the specified product <u>without an export permit</u> ,
Section 22a(2) VFAA	
(2) Výrobce, dovozce nebo vývozce se dopustí přestupku tím, že (...) b) v rozporu s § 16 odst. 1 písm. b) vyveze kontrolovaný výrobek, c) neoznačí alespoň jednu z hlavních částí střelné zbraně podle § 16 odst. 1 písm. c), (...) e) neponechá na hlavní části zbraně, která je vyrobena z kovu, měkké místo pro vyražení příslušné zkušební značky podle § 16 odst. 1 písm. e), (...) g) neoznačí kontrolované výrobky identifikačními údaji bez zbytečného odkladu po jejich vyrobení nebo dovezení podle § 16 odst. 1 písm. g). (...)	A <u>manufacturer, importer, or exporter</u> commits a misdemeanour by: (...) (b) exporting a controlled product in violation of S. 16 para. 1 letter b). (c) <u>failing to mark</u> at least one of the main parts of a firearm in accordance with S. 16 para. 1 letter c). (...) (e) not providing a soft spot on the main part of a firearm made of metal for the purpose of stamping the relevant test mark under S. 16 para. 1 letter e). (...) (g) failing to mark controlled products with identification data without undue delay after their manufacture or import under S. 16 para. 1 letter g).

Please assess how the definition of the offence of illicit trafficking in the national law reflects the following definitions:

Article 1(1)(12) of the Firearms Directive:

'illicit trafficking' means the acquisition, sale, delivery, movement or transfer of firearms, their essential components or ammunition from or through the territory of one Member State to that of another Member State, if any of the Member States concerned does not authorise it in accordance with this Directive, or if the firearms, essential components or ammunition are not marked in accordance with Article 4;

UN Firearms Protocol, Article 3(e)

(e) "Illicit trafficking" shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol;

In Czechia, national law does not define illicit trafficking of firearms, their essential components or ammunition.

The Firearms Act relies on the Criminal Code, which provides for a definition for 'unlicensed arming', i.e. 'whoever without permission (...) **acquires** for him-/herself or for another person (...) a firearm or its main components or parts or ammunition in larger amount or a prohibited accessory of a weapon'. Acquiring a firearm or its main parts or components or a larger quantity of ammunition or a prohibited firearm accessory, as stipulated in Section 279 of the Criminal Code, means an act of acquisition by any means, whether for oneself or for another person (find, sale, purchase, gift, exchange). Such an act may also form the factual basis

for another criminal offence.²² The fact that engaging in unauthorised arming can occur through any means of obtaining a firearm without authorisation and that the criminality of this act can also be established by its relatively short-term possession was confirmed by the Czech Supreme Court.²³

The elements of **delivery, movement or transfer** of firearms, their essential components or ammunition without authorisation, or if the firearms are not marked in accordance with the law are covered by other national acts.

The Firearms Act is the primary piece of legislation in Czechia that directly governs the acquisition, **import, transport, and export of firearms**. It outlines specific requirements and conditions for these activities. It mandates the **need for proper authorisation or permit**.

Marking requirements are set out in Section 22a(2) VFAA.

On the other hand, the AITP deals with the control of trade in restricted products but does not provide the same level of detail regarding firearms specifically. Sections 14 and 15 AITP relate to and cover aspects of illicit trafficking as defined in the Directive. These sections address situations where individuals or entities in Czechia engage in activities that involve the **transportation, import, export**, or possession of specified products (including firearms and ammunition) **without the necessary permissions or permits**.

Overall, the national legislation aligns with international definitions of illicit trafficking of firearms, their essential components and ammunition as outlined in the Firearms Directive and the UN Firearms Protocol.

2.2 Sanctions

Indicate which sanctions are set up in national law for the offence of illicit trafficking of firearms, their essential components and ammunition for natural and legal persons. These should include administrative and criminal sanctions (for the purposes of this question, sanctions are understood as fines and terms of imprisonment). If your country works with a special fine calculation method (e.g., fine/day system, indexation), please specifically explain that. For all types of sanctions, please describe the range of potential penalties, i.e. minimum and maximum custodial sentence and/or fines.

Natural persons

Section 279(1) and (3) Criminal Code

Nedovolené ozbrojování

(1) Kdo bez povolení vyrobí, sobě nebo jinému opatří nebo přechovává střelnou zbraň nebo její hlavní části nebo díly nebo ve větším množství střelivo nebo zakázaný doplněk zbraně, bude potrestán odnětím svobody až na dvě léta, zákazem činnosti nebo propadnutím věci.

(3) Kdo bez povolení

a) vyrobí, sobě nebo jinému opatří nebo přechovává výbušninu v množství větším

Unlicensed Arming

(1) Whoever without permission manufactures, acquires for him-/herself or for another person or stores a firearm (*střelná zbraň*) or its main components or parts or ammunition in larger amount or a prohibited accessory of a weapon, shall be sentenced to **imprisonment for up to two years**, to prohibition of activity or to forfeiture of an item.

²² PRYGL, Lukáš, *Illegal Arming (Nedovolené ozbrojování) (2018)*, Bachelor thesis, Masaryk University, Brno, available at: <https://is.muni.cz/th/aljvz/>.

²³ Supreme Court, 3 Tdo 1269/2009, 4 November 2009.

<p>než malém, zbraň hromadně účinnou nebo součástky, jichž je k užití takové zbraně nezbytně třeba, nebo</p> <p>b) hromadí, vyrábí nebo sobě nebo jinému opatřuje zbraně nebo ve značném množství střelivo,</p> <p>bude potrestán odnětím svobody na šest měsíců až pět let.</p>	<p>(3) Whoever without permission (a) manufactures, acquires for him-/herself or another person, or stores explosives in quantities greater than small, a mass-effective weapon or components that are absolutely necessary for the use of such a weapon, or (b) accumulates, manufactures or acquires for him-/herself or another person weapons or a significant quantity of ammunition, shall be punished by <u>imprisonment for six months to five years.</u></p>
Section 76 Firearms Act	
<p>(3) Za přešupek lze uložit pokutu do</p> <p>a) 50000 Kč, jde-li o přešupek podle odstavce 1 písm. a), b), d) nebo k), (...)</p> <p>d) 15000 Kč, jde-li o přešupek podle odstavce 1 písm. c), m), n) nebo o) nebo odstavce 2.</p>	<p>(3) A fine of up to:</p> <p>(a) CZK 50,000 (EUR 2049) if the misdemeanour falls under paragraph 1, items a), b), d), or k). (...)</p> <p>(d) CZK 15,000 (EUR 615) if the misdemeanour falls under paragraph 1, items c), m), n), or o, or under paragraph 2.</p>
Sections 14(2) AITP	
<p>(2) Za přešupek lze uložit pokutu do</p> <p>a) 3000000 Kč, nebo do výše pětinasobku ceny stanovených výrobků nebo určených výrobků, je-li pětinasobek ceny stanovených výrobků nebo určených výrobků vyšší než 3000000 Kč, jedná-li se o přešupek podle odstavce 1 písm. a), b), e) a f),</p> <p>b) 100000 Kč, jedná-li se o přešupek podle odstavce 1 písm. c), d), g) a i),</p> <p>c) 3000000 Kč, jedná-li se o přešupek podle odstavce 1 písm. h).</p>	<p>(2) A fine of up to:</p> <p>(a) CZK 3,000,000 (EUR 122,950), or up to five times the price of the specified products or designated products, if the five times the price of the specified products or designated products is higher than CZK 3,000,000 (EUR 122,950), for a misdemeanour according to paragraph 1, letters a), b), e), and f),</p> <p>(b) CZK 100,000 (EUR 4,098), for a misdemeanour according to paragraph 1, letters c), d), g), and i),</p> <p>(c) CZK 3,000,000 (EU 122,950), for a misdemeanour according to paragraph 1, letter h).</p>

Legal persons

Section 15 Act 418/2011	
<p>Druhy trestů a ochranných opatření</p> <p>(1) Za trestné činy spáchané právnickou osobou lze uložit pouze tyto tresty</p> <p>a) zrušení právnické osoby,</p> <p>b) propadnutí majetku,</p> <p>c) peněžitý trest,</p> <p>d) propadnutí věci,</p> <p>e) zákaz činnosti, (...)</p> <p>i) uveřejnění rozsudku.</p> <p>(2) Za trestné činy spáchané právnickou</p>	<p>(1) For criminal offences committed by a legal entity, the following penalties may be imposed:</p> <p>a) Dissolution of the legal entity,</p> <p>b) Forfeiture of property,</p> <p>c) <u>Monetary penalty,</u></p> <p>d) Forfeiture of an item,</p> <p>e) Prohibition of activity, (...)</p> <p>i) Publication of the verdict.</p> <p>(2) For criminal offences committed by a</p>

<p>osobou lze uložit jako ochranné opatření zabránění věci nebo zabránění části majetku. (3) Právnícké osobě lze uložit tresty a ochranná opatření uvedená v odstavcích 1 a 2 samostatně nebo vedle sebe. Nelze však uložit peněžité tresty nebo zabránění části majetku vedle propadnutí téže části majetku a trest propadnutí věci vedle zabránění téže věci.</p>	<p>legal entity, as a protective measure, the seizure of an item or part of property may be imposed. (3) Penalties and protective measures listed in paragraphs 1 and 2 can be imposed on a legal entity separately or in conjunction. However, a monetary fine or seizure of part of property cannot be imposed alongside the forfeiture of the same portion of property, and the penalty of forfeiture of an item cannot be imposed alongside the seizure of the same item.</p>
Section 15 Act 418/2011	
<p>Peněžité tresty (1) Soud může uložit právnícké osobě peněžité tresty, odsuzuje-li ji za úmyslný trestný čin nebo trestný čin spáchaný z nedbalosti. Uložení peněžitého trestu nesmí být na újmu práv poškozeného. (2) Denní sazba činí nejméně 1 000 Kč a nejvíce 2 000 000 Kč. Při určení výše denní sazby zohlední soud majetkové poměry právnícké osoby. (...)</p>	<p><u>Monetary penalty</u> (1) The court may impose a monetary penalty on a legal entity if it convicts it of an intentional criminal offence or a criminal offence committed through negligence. The imposition of a monetary penalty shall not prejudice the rights of the injured party. (2) The daily rate shall be at least CZK 1,000 (EUR 41) and at most CZK 2,000,000 (EUR 81,967). When determining the amount of the daily rate, the court shall take into account the financial situation of the legal entity.</p>
Sections 15(2) AITP	
<p>(2) Za přešůpek lze uložit pokutu do a) 5000000 Kč, nebo do výše pětinasobku ceny stanovených výrobků nebo určených výrobků, je-li pětinasobek ceny stanovených výrobků nebo určených výrobků vyšší než 5000000 Kč, jedná-li se o přešůpek podle odstavce 1 písm. a), b), e) a f), b) 500000 Kč, jedná-li se o přešůpek podle odstavce 1 písm. c), d), g) a i), c) 5000000 Kč, jedná-li se o přešůpek podle odstavce 1 písm. h).</p>	<p>(2) <u>A fine</u> of up to: (a) CZK 5,000,000 (EUR 204,918), or up to five times the price of the specified products or designated products, if the five times the price of the specified products or designated products is higher than CZK 5,000,000 (EUR 204,918), for a misdemeanour according to paragraph 1, letters a), b), e), and f), (b) CZK 500,000 (EUR 20,491), for a misdemeanour according to paragraph 1, letters c), d), g), and i), (c) CZK 5,000,000 (EUR 204,918), for a misdemeanour according to paragraph 1, letter h).</p>
Section 22a(6) VFAA	
<p>(6) Za přešůpek lze uložit pokutu do a) 5000000 Kč, jde-li o přešůpek podle odstavce 1 písm. a) až c), odstavce 2 písm. a) až e) nebo g) nebo odstavce 4,</p>	<p>(6) <u>A fine</u> of up to: (a) CZK 5,000,000 (EUR 204,918) may be imposed for misdemeanours under paragraphs 1 letters a) to c), 2 letters a) to e) or g), or 4.</p>
<p>■ Criminal sanctions <u>Natural persons</u> A natural person can be punished for unlicensed arming (which according to the Czech</p>	

courts would include the act of acquiring firearms, their essential components or ammunition as part of illicit trafficking) by the deprivation of liberty for a period of **up to two years** (Section 279(1) Criminal Code) (no minimum sanction is foreseen), prohibition of activity or forfeiture of an item.

It should be noted that the amendment to the Criminal Code (Act No. 220/2021), which came into effect on 1 January 2022, allows for the application of Section 33 of the Criminal Code regarding effective remorse in cases of unlicensed arming. It means that it is now possible for the criminal liability to be extinguished based on the perpetrator's effective remorse.

Legal persons

Act No. 418/2011 Coll., on Criminal Liability of Legal Entities and Proceedings Against Them regulates the conditions for the criminal liability of legal entities, penalties, and protective measures that can be imposed on legal entities for the commission of specified criminal offences, as well as the procedures for actions taken against legal entities. Section 279 is not excluded from the liability of legal persons; therefore, legal entities can be punished for this offence.

When it comes to penalties for legal entities in Czechia, they differ from those that can be imposed on individuals. Legal entities cannot be sentenced to imprisonment. Instead, the law provides for the following penalties for legal entities:

- a. Dissolution of the legal entity: The court may impose dissolution of a legal entity on a legal entity domiciled in the Czech Republic if its activities were primarily or predominantly aimed at committing a criminal offence or criminal offences. The penalty of dissolution of a legal entity cannot be imposed if the nature of the legal entity prohibits it;
- b. Forfeiture of property: The court may impose the penalty of forfeiture of property on a legal entity if it is convicted of a particularly serious crime through which it gained or attempted to gain a material benefit for itself or another party. The court may impose the penalty of forfeiture of property only in cases where the Criminal Code allows for it (in case of unlicensed arming only forfeiture of an item is allowed);
- c. **Monetary penalty**: The daily rate shall be at least CZK 1,000 (EUR 41) and no more than CZK 2,000,000 (EUR 81,967). When determining the amount of the daily rate, the court shall take into account the financial circumstances of the legal entity;
- d. Forfeiture of an item: The court may impose on a legal entity the penalty of forfeiture of an item, including the forfeiture of a substitute value, under the conditions specified by the Criminal Code;
- e. Prohibition of activity: The court may impose on a legal entity the penalty of a prohibition of activity for a period of one to twenty years if the criminal offence was committed in connection with that activity;
- f. Publication of the verdict.

■ **Misdemeanours**

Natural persons

Section 76(3) of the Firearms Act outlines **finer** for misdemeanours, with amounts varying from EUR 2049 for certain violations (failure to report actions involving the export, import, or transit of category A, A-I, B, C, or C-I firearms) down to EUR 615 for others (carrying or holding category A, A-I, B, C, or C-I firearms or ammunition for such firearms without proper permits and documentation, even if the person possesses the firearm). These sanctions are in place to deter and penalize actions that can hinder the tracking and regulation of firearms and contribute to illicit trafficking.

Section 14(2) of the AITP outlines the maximum **finer** that can be imposed on natural persons for misdemeanours related to non-permitted trade activities. These fines are

structured to correspond to the severity of the misdemeanour. For instance, for misdemeanours such as transporting or importing the specified product without permission, or exporting the specified product without an export permit, natural persons can face fines of up to CZK 3,000,000 (EUR 122,950), or up to five times the price of the specified products or designated products, if the latter is higher than CZK 3,000,000 (EUR 122,950).

Legal persons

Similarly, legal persons, as governed by the AITP, face specific provisions for situations of not-permitted trade, which are classified as misdemeanours. These situations encompass various actions related to the transportation, import, export, or possession of specified products, including firearms and ammunition, without the necessary permissions or permits. The **fin**es established for legal persons are structured to align with the severity of these misdemeanours. Legal persons may face fines up to CZK 5,000,000 (EUR 204,918) or five times the price of the specified products or designated products for severe misdemeanours, CZK 500,000 (EUR 20,491) for other misdemeanours.

In line with VFAA, **fin**es of up to EUR 204,918 (no minimum sanction foreseen) may be imposed on legal entities that commit misdemeanours as manufacturers, importers, or exporters (failing to mark at least one of the main parts of a firearm; not providing a soft spot on the main part of a firearm made of metal for the purpose of stamping the relevant test mark; failing to mark controlled products with identification data without undue delay after their manufacture or import).

If the national legislation provides for both criminal and administrative sanctions, explain what the relationship between the criminal and administrative sanctions is, namely if the principle *ne bis in idem* applies.

Czech legislation provides both, criminal and misdemeanour (administrative) sanctions for activities related to illicit trafficking. For a more detailed explanation, see section 1.2.

Indicate if there are any other accompanying sanctions or measures (e.g., confiscation or revocation of authorisations), describing, if relevant, in which circumstances they apply.

Legal references	See above section 1.2
Text in national language See above section 1.2	Translation in English See above section 1.2

See above section 1.2 The same accompanying sanctions or measures apply as for illicit manufacturing.

Indicate if there are any aggravating and mitigating circumstances specific to the offence of illicit trafficking. In particular, aggravating circumstances could be specific to this offence. General aggravating or mitigating circumstances that are not specific to illicit trafficking do not need to be described.

Legal references	See above section 1.2
Text in national language	Translation in English

See above section 1.2	See above section 1.2
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See above section 1.2 The same aggravating circumstances apply as for illicit manufacturing.

For sanctions that entail terms of imprisonment, please describe how the sanctions are implemented in practice, i.e. whether in practise imprisonment is imposed by courts or whether prison sentences are served (for instance, according to general practice in Belgium, prison sentences under three years are not implemented). Please take into account relevant case-law (as far as publicly available), administrative measures or documents (e.g. instructions, policy documents such as strategies) or relevant publications/reports.

See above section 1.2. The same conclusions on the practical implementation apply as with regard to illicit manufacturing.

It is not possible to tell the difference in the statistics on unlicensed arming between illicit manufacturing and trafficking. Hence, the same conclusion on the **prevalence of suspended sentence** applies. An expected trend for 2023 and beyond could be the intensified illegal arms trade, which could become more accessible following a potential end or freeze of the armed conflict in Ukraine.²⁴ The impacts of the pandemic on the entire area of illegal arms trade, explosives, military, and dangerous materials have been characterised by a slight reduction in activities and their shift to the online environment. This shift occurred partly to avoid direct contact but, more importantly, due to the unique opportunity for anonymisation and the concealment of activities.²⁵

2.3 Punishment of attempt, complicity and other forms of involvement in the offences

2.3.1 Attempt

Please explain if and how the attempt to commit the offence of illicit trafficking of firearms, their essential components and ammunition is punished.

Legal references:	See above section 1.3.1
Text in national language: See above section 1.3.1	Translation in English: See above section 1.3.1

Same as in section 1.3.1. The same general criminal law provisions on attempt apply.

²⁴ Annual Report NCOZ – National Centre against Organized Crime (2022), Criminal Police and Investigation Service, Police of the Czech Republic, available at: <https://www.policie.cz/soubor/policie-cr-prilohy-vyrocní-zprava-ncoz-2022.aspx>, p.30.

²⁵ Annual Report NCOZ – National Centre against Organized Crime (2020), Criminal Police and Investigation Service, Police of the Czech Republic, available at: <https://www.policie.cz/soubor/vyrocní-zprava-ncoz-2020.aspx>, p. 43.

2.3.2 Complicity and other forms of involvement in the commission of the offences

Please explain if and how participating as an accomplice in the offence is punished. Please also explain if complicity covers the roles of organising, directing, aiding, abetting, facilitating or counselling the commission of the offence of illicit trafficking, or if (some of) these other forms of involvement are defined and punished separately, or if they are not covered as such by the legislation.

Legal references:	See above section 1.3.2
Text in national language: See above section 1.3.2	Translation in English: See above section 1.3.2

Same as in section 1.3.2. The same general criminal law provisions on complicity apply.

2.3.3 Context of a terrorist offence

Please explain if and how the offence, committed in the context of a terrorist offence, is punished.

Legal references:	See above section 1.3.3
Text in national language: See above section 1.3.3	Translation in English: See above section 1.3.3

See above section 1.3.3. In Czechia, the illicit trafficking of firearms (acquiring, importing, transporting, exporting, or otherwise supplying) within the context of a terrorist offence is treated as a severe criminal act with substantial penalties (that is, **five to fifteen years**, and in addition to this sentence, also by the forfeiture of property). The relevant legal provision is Section 311(2)(f) of the Czech Criminal Code.

2.3.4 Context of organised crime

Please explain if and how the offence, committed in the context of an offence of organised crime, is punished.

Legal references:	See above section 1.3.4
Text in national language: See above section 1.3.4	Translation in English: See above section 1.3.4

Same as in section 1.3.4. The same provisions on the offence, committed in the context of organised crime, apply.

2.4 Effectiveness, proportionality and dissuasiveness of the sanctions

Provide an assessment of whether the sanctions are effective, proportionate and dissuasive. The following criteria should be taken into account:

- A regime of national sanctions is effective if the penalties set ensure compliance with EU law and have achieved the desired objective (see for example, cases C-81/12 and C-14/83).
- A regime of measures and sanctions is proportionate if the sanctions are commensurate to the seriousness of the breaches for which they are imposed, and the measures do not go beyond what is necessary to achieve the objective (for example, cases C-81/12, C-14/83 C 263/11, para. 44-47 and C-54/07)
- A regime of measures and sanctions is dissuasive if sanctions are of such a type and magnitude that the expected costs are higher than the expected benefits to the offender. Moreover, penalties have a deterrent effect on an offender, who should be prevented from repeating the offence, and on other potential offenders, who should be prevented from committing the said offence (as defined by the European Court in cases C-68/88, C-94/05, C-426/93, C-26/00 and C-189/07).

Please also assess whether illicit trafficking of firearms is of a similar gravity to the offence of illicit trafficking of drugs. For this, please compare the level of fines and terms of imprisonment set out in national law for these two offences.

Same as in section 1.4. The same conclusions apply to illicit trafficking as with regard to illicit manufacture.

3. Falsification or illicit obliteration, removal, or alteration of the marking(s) on firearms and essential components

3.1 Definitions

Please note that neither the Firearms Directive, nor the UN Firearms Protocol define the offence of falsification or illicit obliteration, removal, or alteration of the marking(s) on firearms and essential components. The UN Firearms Protocol, under its Article 5(1)(c), provides only for the criminalisation of the offence, as follows:

1. *Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct, when committed intentionally:*

(c) *Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol.*

Consequently, the above-mentioned article requires state parties to criminalise the conduct of falsification or illicit obliteration, removal or alteration of the markings required by Article 8 of the UN Firearms Protocol (marking at the time of manufacture, import and transfer from government stocks to permanent civilian use), when committed intentionally.

Please explain which are the corresponding offences under national law and how are they defined or described in the national criminalising provisions. Please specify if the national law refers only to markings on firearms or also essential components.

Section 279 Criminal Code	
<p>Nedovolené ozbrojování (1) Kdo bez povolení vyrobí, sobě nebo jinému opatří nebo přechovává střelnou zbraň nebo její hlavní části nebo díly nebo ve větším množství střelivo nebo zakázaný doplněk zbraně, bude potrestán odnětím svobody až na dvě léta, zákazem činnosti nebo propadnutím věci. (2) Stejně bude potrestán, kdo uvede do střelbyschopného stavu znehodnocenou zbraň nebo na ní provede konstrukční změny směřující k jejímu uvedení do střelbyschopného stavu nebo na zbraní provede konstrukční změny směřující ke zvýšení její účinnosti, nebo kdo padělá, pozmění, zahazuje nebo odstraňuje jedinečné označení střelné zbraně, které umožňuje její identifikaci.</p>	<p>Unlicensed Arming (1) Whoever without permission manufactures, acquires for him-/herself or for another person or stores a firearm (<i>střelná zbraň</i>) or its main components or parts or ammunition in larger amount or a prohibited accessory of a weapon, shall be sentenced to imprisonment for up to two years, to prohibition of activity or to forfeiture of an item. (2) The same sentence shall be imposed on anyone who, puts a deactivated weapon into a firing state or makes structural changes to it aimed at bringing it into a firing state or makes structural changes to a weapon aimed at increasing its effectiveness, or <u>who forges, alters, defaces or removes the unique marking of a firearm</u> (<i>střelná zbraň</i>) that enables its identification.</p>
Section 22a(1) to (5) VFAA	
<p>(1) Kontrolovaná osoba se dopustí přestupku tím, že a) neoprávněně použije zkušební nebo další značku, certifikát anebo jiný dokument vydaný Úřadem podle tohoto zákona,</p>	<p>(1) A <u>controlled entity</u> commits a misdemeanour by: (a) unauthorised use of a test or other mark, certificate, or document issued by the Office under this Act.</p>

<p>b) uvede na trh nebo distribuuje kontrolovaný výrobek, který nesplňuje stanovené technické požadavky podle § 4 odst. 1, nebo</p> <p>c) nesplní opatření podle § 20a odst. 2.</p> <p>(2) Výrobce, dovozce nebo vývozce se dopustí přestupku tím, že</p> <p>a) uvede na trh kontrolovaný výrobek v rozporu s § 16 odst. 1 písm. a),</p> <p>b) v rozporu s § 16 odst. 1 písm. b) vyveze kontrolovaný výrobek,</p> <p>c) neoznačí alespoň jednu z hlavních částí střelné zbraně podle § 16 odst. 1 písm. c),</p> <p>d) v rozporu s § 16 odst. 1 písm. d) neoznačí vnější stranu nejmenšího spotřebitelského obalu stanoveného střeliva zkušební značkou uvedenou v certifikátu nebo nezajistí výrobní kontrolu ke zjištění, zda jsou ve výrobě dodrženy stanovené technické požadavky nebo o tom nevede evidenci,</p> <p>e) neponechá na hlavní části zbraně, která je vyrobena z kovu, měkké místo pro vyražení příslušné zkušební značky podle § 16 odst. 1 písm. e),</p> <p>f) neinformuje Úřad o změnách ve výrobě kontrolovaných výrobků podle § 16 odst. 1 písm. f), nebo</p> <p>g) neoznačí kontrolované výrobky identifikačními údaji bez zbytečného odkladu po jejich vyrobení nebo dovezení podle § 16 odst. 1 písm. g).</p> <p>(3) Výrobce se dopustí přestupku tím, že neopatří kontrolovaný výrobek údaji podle § 16 odst. 2 písm. a).</p> <p>(4) Distributor se dopustí přestupku tím, že v rozporu s § 16 odst. 3 uvede na trh kontrolovaný výrobek, který není označený platnou zkušební značkou.</p> <p>(5) Opravce, kterému byla vydána zbrojní licence podle zvláštního právního předpisu, se dopustí přestupku tím, že</p> <p>a) v rozporu s § 16 odst. 4 písm. a) neprovede opravu nebo úpravu střelné zbraně tak, aby splňovala stanovené technické požadavky, nebo nepředloží Úřadu v písemné podobě postup opravy nebo úpravy, nebo</p> <p>(...)</p>	<p>(b) placing on the market or distributing a controlled product that does not meet the specified technical requirements under S. 4 para. 1.</p> <p>(c) failing to comply with measures under S. 20a para. 2.</p> <p>(2) A manufacturer, importer, or exporter commits a misdemeanour by:</p> <p>(a) placing on the market a controlled product in violation of S. 16 para. 1 letter a).</p> <p>(b) exporting a controlled product in violation of S. 16 para. 1 letter b).</p> <p>(c) failing to mark at least one of the main parts of a firearm in accordance with S. 16 para. 1 letter c).</p> <p>(d) failing to mark the external surface of the smallest consumer packaging of ammunition with the test mark specified in the certificate or failing to ensure manufacturing control to verify compliance with the specified technical requirements under S. 16 para. 1 letter d) or failing to keep records thereof.</p> <p>(e) not providing a soft spot on the main part of a firearm made of metal for the purpose of stamping the relevant test mark under § 16 para. 1 letter e).</p> <p>(f) failing to inform the Office of changes in the production of controlled products under S. 16 para. 1 letter f) or</p> <p>(g) failing to mark controlled products with identification data without undue delay after their manufacture or import under S. 16 para. 1 letter g).</p> <p>(3) A manufacturer commits a misdemeanour by not providing a controlled product with the data according to S. 16 para. 2 letter a).</p> <p>(4) A distributor commits a misdemeanour by placing on the market a controlled product that is not marked with a valid test mark, in violation of S.16 para. 3.</p> <p>(5) A gunsmith who has been issued a firearms license under a special legal regulation commits a misdemeanour by:</p> <p>(a) failing to repair or modify a firearm to meet the specified technical requirements in violation of S. 16 para. 4 letter a), or failing to submit a written procedure for repair or modification to the Office, or (...)</p>
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The UN Firearms Protocol entered into force for Czechia on 24 October 2013, based on

Article 18, paragraph 2, as communicated in Notice No. 76/2013 Coll.²⁶ To align with the provisions of the Protocol, the Czech legal framework was complemented to cover the **forgery, alteration, erasure, or removal of unique markings** on firearms that enable their identification. These amendments were required by Article 5(1)(c) of the mentioned Protocol.²⁷

Under Czech law, firearms are required to bear specific markings, including serial numbers, manufacturer marks, and other identification details. Anyone who forges, alters, defaces or removes the unique marking of a firearm that enables its identification will be subject to criminal liability under paragraph 2, S. 279 Criminal Code.

Furthermore, the VFAA sets forth national **requirements regarding firearm marking** and imposes sanctions on legal entities engaging in the listed misdemeanours related to marking. Section 22a does not explicitly cover the falsification or illicit obliteration, removal, or alteration of markings on firearms and essential components. However, there are some related provisions that could *indirectly* address issues with markings and certifications. Specifically, subpoint (c) of paragraph 2 requires manufacturers, importers, and exporters to mark at least one of the main parts of a firearm in accordance with the law. This provision indirectly aims to ensure the proper identification of firearms, and any falsification or removal of these markings would likely be subject to legal action. Additionally, paragraph 4 states that a distributor commits a misdemeanour by placing on the market a controlled product that is not marked with a valid test mark. This provision is related to the proper marking of products and implies that the absence of such markings would be considered a violation of the law.

3.2 Sanctions

Indicate which sanctions are set up in national law for the offence of falsification or illicit obliteration, removal, or alteration of the marking(s) on firearms and essential components for natural and legal persons. These should include administrative and criminal sanctions (for the purposes of this question, sanctions are understood as fines and terms of imprisonment). If the national law also provides for sanctions when the person commits the offence negligently as opposed to intentionally or where accidental errors occur during the marking process that are of a non-material nature, please indicate these as well.

If your country applies a special fine calculation method (e.g., fine/day system, indexation), please specifically explain that. For all types of sanctions, please describe the range of potential penalties, i.e. minimum and maximum custodial sentence and/or fines.

Natural persons

Section 279 Criminal Code	
<p>Nedovolené ozbrojování (1) Kdo bez povolení vyrobí, sobě nebo jinému opatří nebo přechovává střelnou zbraň nebo její hlavní části nebo díly nebo ve větším množství střelivo nebo zakázaný doplněk zbraně, bude potrestán odnětím svobody až na dvě léta, zákazem činnosti nebo propadnutím věci. (2) Stejně bude potrestán,</p>	<p>Unlicensed Arming (1) Whoever without permission manufactures, acquires for him-/herself or for another person or stores a firearm (<i>střelná zbraň</i>) or its main components or parts or ammunition in larger amount or a prohibited accessory of a weapon, shall be sentenced to imprisonment for up to two years, to</p>

²⁶ Sdělení š. 76/2013 Ministerstva zahraničních věcí o Protokolu proti nedovolené výrobě střelných zbraní, jejich součástí a dílů a střeliva a proti obchodování s nimi doplňujícím Úmluvu Organizace spojených národů proti nadnárodnímu organizovanému zločinu, available at: <https://www.zakonyprolidi.cz/ms/2013-76>.

²⁷ Ibid.

<p>kdo uvede do střelbyschopného stavu znehodnocenou zbraň nebo na ní provede konstrukční změny směřující k jejímu uvedení do střelbyschopného stavu nebo na zbraní provede konstrukční změny směřující ke zvýšení její účinnosti, nebo kdo padělá, pozmění, zahazuje nebo odstraňuje jedinečné označení střelné zbraně, které umožňuje její identifikaci.</p>	<p>prohibition of activity or to forfeiture of an item. (2) The same sentence shall be imposed on anyone who, puts a deactivated weapon into a firing state or makes structural changes to it aimed at bringing it into a firing state or makes structural changes to a weapon aimed at increasing its effectiveness, or who forges, alters, defaces or removes the unique marking of a firearm (<i>střelná zbraň</i>) that enables its identification.</p>
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Legal persons

Legal references:	See above section 1.2
Text in national language: See above section 1.2	Translation in English: See above section 1.2

■ Criminal sanctions

The sanction for forgery, alteration, defacement, or removal of the unique marking of a firearm, which enables its identification, for natural persons is **imprisonment for up to two years** (no minimum sanction is foreseen), along with the possibility of prohibition of activity or forfeiture of an item.

For legal persons, the general sanctions apply, explained in section 1.2.

■ Administrative sanctions

The VFAA establishes sanctions (**monetary fines**) specifically targeting legal entities that engage in the listed misdemeanours related to firearm marking. However, forgery, alteration, defacement, or removal of the unique marking of a firearm, which enables its identification is not specifically addressed.

For misdemeanour under paragraph 2 letter c) (manufacturers, importers, and exporters fail to mark at least one of the main parts of a firearm in accordance with the law), a fine of up to EUR 204,918 may be imposed. For misdemeanours specifically related to a manufacturer's failure to provide controlled products with the required data under paragraph 3, a fine of up to EUR 40,984 may be imposed. If a distributor commits a misdemeanour by placing on the market a controlled product that is not marked with a valid test mark, a fine of up to EUR 204,918 may be imposed. No minimum sanctions are foreseen.

Violation of marking rules, as outlined in the VFAA, may not be immediately classified as falsification or illicit obliteration, removal, or alteration of markings. Violating marking rules refers to a failure to properly and lawfully mark firearms and essential components as required by laws. This could involve not marking them at all or marking them incorrectly, but it does not necessarily imply that the markings have been falsified or deliberately altered or obliterated.

If the national legislation provides for both criminal and administrative sanctions, explain what the relationship between the criminal and administrative sanctions is, namely if the principle *ne bis in idem* applies.

Czech legislation provides only criminal sanctions for falsification or illicit obliteration, removal, or alteration of the marking(s) on firearms. Misdemeanour (administrative) liability is foreseen for violations of marking requirements under the VFAA.

Detailed explanation on the relationship between the criminal and administrative sanctions is provided in section 1.2.

Indicate if there are any other accompanying sanctions or measures (e.g., confiscation or revocation of authorisations), describing, if relevant, in which circumstances they apply.

Legal references:	See above section 1.2
Text in national language: See above section 1.2	Translation in English: See above section 1.2

See above section 1.2. The same accompanying sanctions or measures apply as for illicit manufacturing.

Indicate if there are any aggravating and mitigating circumstances specific to this offence. General aggravating or mitigating circumstances that are not specific to such offence do not need to be described.

Legal references:	N/A
Text in national language: N/A	Translation in English: N/A

There are no aggravating and mitigating circumstances specific to this offence.

For sanctions that entail terms of imprisonment, please describe how the sanctions are implemented in practice, i.e. whether in practise imprisonment is imposed by courts or whether prison sentences are served. Please take into account relevant case-law (as far as publicly available), administrative measures or documents (e.g. instructions, policy documents such as strategies) or relevant publications/reports.

There is no information about the sanctioning of the offence of falsification or illicit obliteration, removal, or alteration of the marking(s) on firearms.

3.3 Punishment of attempt, complicity and other forms of involvement in the offences

3.3.1 Attempt

Please explain if and how the attempt to commit the offence of falsification or illicit obliteration, removal, or alteration of the marking(s) on firearms and essential components is punished.

Legal references:	See above section 1.3.1
Text in national language: See above section 1.3.1	Translation in English: See above section 1.3.1

Same as in section 1.3.1. The same general provisions on attempt apply.

3.3.2 Complicity and other forms of involvement in the commission of the offences

Please explain if and how participating as an accomplice in the offence is punished. Please also explain if complicity covers the roles of organising, directing, aiding, abetting, facilitating or counselling the commission of the offence of falsification or illicit obliteration, removal, or alteration of the marking(s) on firearms and essential components, or if (some of) these other forms of involvement are defined and punished separately, or if they are not covered as such by the legislation.

Legal references:	See above section 1.3.2
Text in national language: See above section 1.3.2	Translation in English: See above section 1.3.2

Same as in section 1.3.2. The same general provisions on complicity apply.

3.3.3 Context of a terrorist offence

Please explain if and how the offence, committed in the context of a terrorist offence, is punished.

Legal references:	N/A
Text in national language: N/A	Translation in English: N/A
The offence of falsification or illicit obliteration, removal, or alteration of the marking(s) on firearms is not part of the terrorism offence under the Czech law.	

3.3.4 Context of organised crime

Please explain if and how the offence, committed in the context of an offence of organised crime, is punished.

Legal references:	See above section 1.3.4
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Text in national language: See above section 1.3.4	Translation in English: See above section 1.3.4
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See above section 1.3.4. The same provisions on the offence, committed in the context of organised crime, apply.

3.4 Effectiveness, proportionality and dissuasiveness of the sanctions

Provide an assessment of whether the sanctions are effective, proportionate and dissuasive. The following criteria should be taken into account:

- A regime of national sanctions is effective if the penalties set ensure compliance with EU law and have achieved the desired objective (see for example, cases C-81/12 and C-14/83).
- A regime of measures and sanctions is proportionate if the sanctions are commensurate to the seriousness of the breaches for which they are imposed, and the measures do not go beyond what is necessary to achieve the objective (for example, cases C-81/12, C-14/83 C 263/11, para. 44-47 and C-54/07)
- A regime of measures and sanctions is dissuasive if sanctions are of such a type and magnitude that the expected costs are higher than the expected benefits to the offender. Moreover, penalties have a deterrent effect on an offender, who should be prevented from repeating the offence, and on other potential offenders, who should be prevented from committing the said offence (as defined by the European Court in cases C-68/88, C-94/05, C-426/93, C-26/00 and C-189/07).

Czech law lays down the rules on penalties for both natural and legal persons. For the offence of falsification or illicit obliteration, removal, or alteration of the marking(s) on firearms only criminal penalties apply.

Assessing the overall effectiveness, proportionality and dissuasiveness of sanctions for forgery, alteration, defacement, or removal of the unique marking of a firearm (under the criminal offence of unlicensed arming) requires a comprehensive evaluation of the legal framework and penalties, as well as an examination of their impact on reducing falsification. A summary of the key points and conclusions that can be drawn from desk research is included in section 1.4. Though the offence of falsification or illicit obliteration of markings on firearms cannot be compared to a similar drugs offence, the conclusions on effectiveness, proportionality and dissuasiveness on illicit manufacturing could be applicable to this offence as well, considering that the same criminal sanctions apply as to illicit manufacturing. The sanctions system can be considered *effective* as the penalties set are in compliance with EU law and achieve the desired objective. The sanctioning system is also *proportional* as national provisions require courts to consider a range of factors when determining the type and extent of punishment for firearm-related offences. A regime of measures and sanctions can be considered dissuasive as sanctions are of such a type and magnitude that the expected costs are higher than the expected benefits to the offender. Moreover, penalties have a deterrent effect on an offender.

As mentioned above, violation of marking rules, as outlined in the VFAA, may not be immediately classified as falsification or illicit obliteration, removal, or alteration of markings. Violating marking rules refers to a failure to properly and lawfully mark firearms and essential components as required by laws. This could involve not marking them at all or marking them incorrectly, but it does not necessarily imply that the markings have been falsified or

deliberately altered or obliterated.

4. The illegal possession of firearms, their essential components and ammunition

4.1 Definitions

If there is a definition or description of acts and behaviour that encompass the offence of illegal possession of firearms, their essential components and ammunition in the national law, please explain how the offence is defined or described in the national legislation. Please list all the (criminal) offences that are considered as illegal possession under national law. In addition, please specify if the following acts and behaviours are considered as offences and sanctioned under national law:

- acquisition and possession of Category A and Category B firearms without a licence or authorisation granted by the competent national authorities,
- acquisition and possession of Category C firearms without declaration to the competent authorities,
- acquisition and possession of Category A, B or C firearms by persons who do not have a good cause and who are under the age of 18 (except for hunting and target shooting purposes, under the conditions of the law) and are likely to be a danger to themselves or others, to public order or to public safety.

Section 279(1) Criminal Code	
<p>Nedovolené ozbrojování (1) Kdo bez povolení vyrobí, sobě nebo jinému opatří nebo přechovává střelnou zbraň nebo její hlavní části nebo díly nebo ve větším množství střelivo nebo zakázaný doplněk zbraně, bude potrestán odnětím svobody až na dvě léta, zákazem činnosti nebo propadnutím věci.</p>	<p>Unlicensed Arming (1) <u>Whoever without permission</u> manufactures, <u>acquires</u> for him-/herself or for another person <u>or stores a firearm</u> (<i>střelná zbraň</i>) or its main components or parts or ammunition in larger amount or a prohibited accessory of a weapon, shall be sentenced to imprisonment for up to two years, to prohibition of activity or to forfeiture of an item.</p>
Section 18 Firearms Act	
<p>Věková hranice pro vydání zbrojního průkazu (1) Zbrojní průkaz skupiny A, D nebo E lze vydat jen osobě starší 21 let, pokud tento zákon nestanoví jinak. (2) Zbrojní průkaz skupiny B nebo C lze vydat jen osobě starší 18 let, pokud tento zákon nestanoví jinak. (3) Zbrojní průkaz skupiny B lze vydat osobě starší 15 let, která je členem občanského sdružení zabývajícího se sportovní činností podle národních nebo mezinárodních pravidel a řádů a součástí této činnosti je střelba, jsou-li splněny ostatní podmínky pro jeho vydání. (4) Zbrojní průkaz skupiny C lze vydat žákovi střední školy nebo středního odborného</p>	<p><u>Age Limit for Issuance of Firearms Permits</u> (1) A firearms permit for Group A, D, or E can only be issued to an individual older than 21 years, unless otherwise specified by this law. (2) A firearms permit for Group B or C can only be issued to an individual older than 18 years, unless otherwise specified by this law. (3) A firearms permit for Group B can be issued to an individual older than 15 years who is a member of a civic association engaged in sporting activities according to national or international rules and regulations, which include shooting, provided that other conditions for its issuance are met.</p>

<p>učiliště staršímu 16 let, pokud v osnovách školy či učiliště je zahrnuta výuka myslivosti a jsou-li splněny ostatní podmínky pro jeho vydání.</p> <p>(5) Zbrojní průkaz skupiny D lze vydat žáku střední školy nebo středního odborného učiliště staršímu 18 let, pokud v osnovách školy nebo učiliště je zahrnuta výuka puškařského oboru nebo střeliva.</p> <p>(6) V případech uvedených v odstavcích 3 a 4 je nutný písemný souhlas zákonného zástupce a doporučení příslušného občanského sdružení, školy nebo učiliště. Osoba mladší 18 let smí zbraň nebo střelivo pro sportovní nebo lovecké účely nabývat do vlastnictví, s výjimkou koupě, a držet pouze se souhlasem zákonného zástupce; tuto zbraň nebo střelivo smí používat pouze za přítomnosti osoby starší 21 let, která je držitelem zbrojního průkazu skupiny B nebo C nejméně 3 roky a která zajistí bezpečnou manipulaci se zbraní nebo střelivem.</p>	<p>(4) A firearms permit for Group C can be issued to a student of a secondary school or vocational school older than 16 years if the school's curriculum includes hunting education, and other conditions for its issuance are met.</p> <p>(5) A firearms permit for Group D can be issued to a student of a secondary school or vocational school older than 18 years if the school's curriculum includes firearms or ammunition-related education.</p> <p>(6) In the cases mentioned in paragraphs 3 and 4, written consent of the legal guardian and a recommendation from the relevant civic association, school, or vocational school are required. Individuals under the age of 18 may acquire and possess firearms or ammunition for sporting or hunting purposes, with the exception of purchases, only with the consent of their legal guardian. They may use such firearms or ammunition only in the presence of an individual older than 21 years, who holds a firearms permit for Group B or C for at least 3 years and ensures the safe handling of firearms or ammunition.</p>
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Section 76(1) Firearms Act

<p>(1) Fyzická osoba se dopustí přestupku tím, že</p> <p>a) vlastní, drží nebo nosí zbraň nebo střelivo v rozporu s § 8,</p> <p>c) neoznámí podle § 42 odst. 1 nabytí nebo podle § 42 odst. 2 převod vlastnictví ke zbraní kategorie A, A-I, B nebo C,</p>	<p>(1) A <u>natural person commits a misdemeanour</u> if he/she</p> <p>(a) owns, holds or carries a weapon or ammunition in violation of S. 8,</p> <p><i><u>Explanation of the cross-reference:</u> Section 8: To acquire ownership, with the exception of inheritance (S. 66), and to possess or carry a firearm or ammunition is only permitted for those who hold a firearms permit or firearms license, unless otherwise stipulated by this law.</i></p> <p>(c) fails to notify pursuant to S. 42 paragraph 1 of the acquisition or pursuant to S. 42 paragraph 2 of the transfer of ownership of a category A, A-I, B or C weapon;</p> <p><i><u>Explanation of the cross-references:</u> Section 42 (1) A natural or legal person who acquires ownership of a firearm of category A, A-I, B, or C for which they do not possess a firearm permit is obligated to report this fact on the prescribed form, the template of which is determined by implementing legal regulations, to the relevant police department within 10 working days from the date of acquisition of ownership and present the firearm. In the case of acquiring</i></p>
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	<p>ownership of a firearm through inheritance (§ 66), the deadline for notification begins on the day when the court's decision on inheritance becomes legally binding.</p> <p>Section 42 (2) A natural or legal person who transfers ownership of a firearm of category A, A-I, B, or C, for which they hold a firearm permit, to another person, is obligated to report this transfer within 10 working days from the date of the transfer of the firearm, unless otherwise specified, to the relevant police department on the prescribed form, the template of which is determined by implementing legal regulations, and simultaneously surrender the firearm permit.</p>
<p>Section 76c Firearms Act</p>	
<p>(1) Právnická nebo podnikající fyzická osoba se dopustí přestupku tím, že vlastní anebo drží zbraň nebo střelivo v rozporu s § 8.</p>	<p>(1) A <u>legal entity or an entrepreneurial natural person commits a misdemeanour</u> by owning or possessing a firearm or ammunition in violation of S. 8.</p> <p><i>Explanation of the cross-reference:</i> Section 8: To acquire ownership, with the exception of inheritance (S. 66), and to possess or carry a firearm or ammunition is only permitted for those who hold a firearms permit or firearms license, unless otherwise stipulated by this law</p>

In Czechia, illegal possession of firearms is generally understood as the unlawful possession, acquisition, or ownership of firearms, ammunition, or related items in violation of the Firearms Act. The Firearms Act functions as a regulation specifying and elaborating, particularly, the factual elements of the criminal offence of unlicensed arming as stipulated in Section 279 of the Criminal Code which refers expressly to the acquisition and storage of a firearm without permission. The Czech Firearms Act outlines the legal requirements for firearm ownership and possession. The Firearms Act defines 6 categories of firearms (A, A-I, B, C, C-I, and D), each of which is associated with varying degrees of requirements and conditions that must be met for their acquisition, or imposed on their holders:

- Category A and A-I - prohibited weapons;
- Category B - weapons subject to authorisation;
- Category C and C-I - weapons subject to notification;
- Category D - weapons not subject to registration.

Firearms of categories A, A-I, B, and C are subject to registration with the relevant police department. Acquisition, possession, or carrying of these firearms is allowed only for authorised individuals – holders of a firearms permit (natural persons) or holders of a firearms license (legal entities or self-employed individuals). Firearms of categories C-I and D can be acquired, possessed, and, under certain conditions, carried by any legally competent adult or legal entity, even if they are not holders of a firearms permit or firearms license.²⁸

²⁸ Website of the Ministry of the Interior, Weapons subject to the Firearms Act and the conditions for their acquisition and possession (*Zbraně podléhající zákonu o zbraních a podmínky jejich nabytí a držení*), available at:

Acquisition and possession of Category A and Category B firearms without a licence or authorisation granted by the competent national authorities

The acquisition and possession of Category A and Category B firearms without a license or authorisation granted by the competent national authorities are considered misdemeanours in the context of the Firearms Act. According to Section 8 of the Firearms Act, to acquire, with the exception of inheritance (S. 66), and to possess or carry a firearm or ammunition is only allowed for those who hold a firearm license or firearm permit, unless otherwise specified by this law. As stipulated in Section 9 of the Firearms Act, firearms of Category A and A-I are prohibited to acquire, possess, or carry unless otherwise specified. As stipulated in Section 12 of the Firearms Act, firearms of Category B can only be acquired, possessed, or carried based on a permit, unless this law specifies otherwise.

Acquisition and possession of Category C firearms without declaration to the competent authorities

As stipulated in Section 14 of the Firearms Act, firearms of Category C or ammunition for these firearms can only be acquired and possessed by individuals who hold a firearms permit for the relevant category or a firearms license for the relevant category. These individuals are required to report the acquisition of ownership of such firearms to the respective police unit. The holder of a firearms permit can only carry this firearm within the limits of the authorisations specified for individual categories of firearms permits, and this is allowed after the firearm has been registered.

Acquisition and possession of Category A, B or C firearms by persons who do not have a good cause and who are under the age of 18 (except for hunting and target shooting purposes, under the conditions of the law) and are likely to be a danger to themselves or others, to public order or to public safety

Firearms permits in Czechia are subject to age limits: Individuals must be at least 21 years old to obtain permits for Group A, D, or E firearms, and at least 18 years old for Group B or C firearms, unless otherwise specified. Exceptions allow Group B permits for individuals older than 15 who are members of a sports association involving shooting, and Group C permits for students older than 16 with hunting education in their school curriculum. Group D permits can be issued to students older than 18 with firearms-related education. For those under 18, written consent from a legal guardian and a recommendation from the relevant association or school is required. Minors may acquire, possess, and use firearms and ammunition for sports or hunting with their guardian's consent and the presence of a responsible individual older than 21 with at least 3 years of Group B or C firearms permit experience to ensure safe firearm handling.

According to the Firearms Act, the police issue a firearms license to an individual who meets the following conditions (among others): is in good health (S. 20 and 20a), possesses the necessary expertise (S. 21), has a clean criminal record (S. 22 and is deemed reliable (S. 23).

4.2 Sanctions

Taking into consideration the above-mentioned potential offences and the national firearms' categorisation, please indicate which sanctions are set up in national law for illegal possession of firearms, their essential components and ammunition for natural and legal persons. These should include administrative and criminal sanctions (for the purposes of this question, sanctions are understood as fines and terms of imprisonment). Please specify if there is a general blanket provision that lays down sanctions for offences related to illegal possession,

<https://www.mvcr.cz/clanek/zbrane-podlehajici-zakonu-o-zbranich-a-podminky-jejich-nabyvani-a-drzeni.aspx?q=Y2hudW09MQ%3d%3d>

or if there are specific sanctions for each offence. Please also present any differences in sanctions (for instance, if more stringent penalties are provided for the unlawful acquisition and possession of firearms corresponding to Category B than for the unlawful acquisition and possession of firearms corresponding to Category C, or instances where the level of sanctions are depending on the number of the firearms seized).

If your country works with a special fine calculation method (e.g., fine/day system, indexation), please specifically explain that. For all types of sanctions, please describe the range of potential penalties, i.e. minimum and maximum custodial sentence and/or fines.

Natural persons

Section 279(1) Criminal Code	
<p>Nedovolené ozbrojování (1) Kdo bez povolení vyrobí, sobě nebo jinému opatří nebo přechovává střelnou zbraň nebo její hlavní části nebo díly nebo ve větším množství střelivo nebo zakázaný doplněk zbraně, bude potrestán odnětím svobody až na dvě léta, zákazem činnosti nebo propadnutím věci.</p>	<p>Unlicensed Arming (1) Whoever without permission manufactures, acquires for him-/herself or for another person or stores a firearm (<i>střelná zbraň</i>) or its main components or parts or ammunition in larger amount or a prohibited accessory of a weapon, shall be sentenced to imprisonment for up to two years, to prohibition of activity or to forfeiture of an item.</p>
Section 76(3) Firearms Act	
<p>(3) Za přešupek lze uložit pokutu do a) 50000 Kč, jde-li o přešupek podle odstavce 1 písm. a), (...) d) 15000 Kč, jde-li o přešupek podle odstavce 1 písm. c) (...).</p>	<p>(3) A fine of up to: (a) CZK 50,000 (EUR 2049), if it is a misdemeanour according to paragraph 1 letter a), (...) (d) CZK 15,000 (EUR 615), if it is a misdemeanour according to paragraph 1 letter c) (...).</p>

Legal persons

Section 76c(6)(a) Firearms Act	
<p>(6) Za přešupek lze uložit pokutu do a) 100000 Kč, jde-li o přešupek podle odstavce 1, 2, 4 nebo 5,</p>	<p>(6) A fine of up to: (a) CZK 100,000 (EUR 4098) if the misdemeanour falls under paragraphs 1, 2, 4, or 5,</p>

■ Criminal sanction

The sanctions for the illegal possession that would fall under the offence of unlicensed arming as stipulated in Section 279 of the Criminal Code are imprisonment for up to two years (no minimum sanction is foreseen), prohibition of activity or forfeiture of an item.

■ Administrative sanctions

Natural persons

A natural person commits a misdemeanour by owning, possessing, or carrying a firearm or

ammunition without holding a firearms permit or firearms license, unless otherwise specified by this law (Section 76(1)(a) of the Firearms Act for natural persons, and this not distinguishing between categories. If a natural person is found to own, hold or carry a weapon or ammunition without the appropriate firearms permit or firearms license, they may face a fine of up to EUR 2049 (Section 76(3)(a) Firearms Act). If they fail to notify the acquisition or the transfer of ownership of a category A, A-I, B or C firearm, they may face a fine of up to EUR 615.

Legal persons

A legal person commits a misdemeanour by owning, possessing, or carrying a firearm or ammunition in violation of Section 8 (Section 76c(1) of the Firearms Act) regardless of firearm category. In the case of a legal entity owning, holding, or carrying a weapon or ammunition without the required firearms permit or firearms license, they may be subject to a monetary fine of up to EUR 4098 (Section 76c(6)(a) Firearms Act).

Statistics

The number of final judgments in Czechia recognising the accused as guilty of committing a misdemeanour in the field of firearms and ammunition (Sections 76-76f of the Firearms Act):²⁹

- 819 in 2020
- 1157 in 2019
- 1595 in 2018

If the national legislation provides for both criminal and administrative sanctions, explain what the relationship between the criminal and administrative sanctions is, namely if the principle *ne bis in idem* applies.

Czech legislation provides both, criminal and misdemeanour (administrative) sanctions for illegal possession of firearms, their essential components and ammunition. Detailed explanation on the relationship between the criminal and administrative sanctions is provided in section 1.2.

Indicate if there are any other accompanying sanctions or measures (e.g., confiscation or revocation of authorisations), describing, if relevant, in which circumstances they apply.

Legal references	See above section 1.2
Text in national language: See above section 1.2	Translation in English: See above section Chyba! Nenalezen zdroj odkazů.

See above section 1.2. The same accompanying sanctions or measures apply as for illicit manufacturing.

Indicate if there are any aggravating and mitigating circumstances specific to these offences. General aggravating or mitigating circumstances that are not specific to these offences do not need to be described.

²⁹ Website of the Ministry of the Interior, Overview of Misdemeanours (2018-2020), available at: <https://www.mvcr.cz/clanek/prehled-prestupku-2018-2020.aspx>.

Legal references	See above section 1.2
Text in national language: See above section 1.2	Translation in English: See above section Chyba! Nenalezen zdroj odkazů.

See above section 1.2. The same aggravating circumstances apply as for illicit manufacturing.

For sanctions that entail terms of imprisonment, please describe how the sanctions are implemented in practice, i.e. whether in practise imprisonment is imposed by courts or whether prison sentences are served. Please take into account relevant case-law (as far as publicly available), administrative measures or documents (e.g. instructions, policy documents such as strategies) or relevant publications/reports.

See above section 1.2. The same conclusions regarding practical implementation apply as for illicit manufacturing.

4.3 Punishment for involvement in the offences

4.3.1 Context of a terrorist offence

Please explain if and how the offences, committed in the context of a terrorist offence, are punished.

Legal references:	See above section 1.3.3
Text in national language: See above Section 1.3.3	Translation in English: See above section 1.3.3

See above Section 1.3.3. The same provision on terrorist offences applies.

4.3.2 Context of organised crime

Please explain if and how the offences, committed in the context of an offence of organised crime, are punished.

Legal references:	See above section 1.3.4
Text in national language: See above section 1.3.4	Translation in English: See above section 1.3.4

See above Section 1.3.4. The same provisions on the offence, committed in the context of organised crime, apply.

4.4 Effectiveness, proportionality and dissuasiveness of the sanctions

Provide an assessment of whether the sanctions are effective, proportionate and dissuasive. The following criteria should be taken into account:

- A regime of national sanctions is effective if the penalties set ensure compliance with EU law and have achieved the desired objective (see for example, cases C-81/12 and C-14/83).
- A regime of measures and sanctions is proportionate if the sanctions are commensurate to the seriousness of the breaches for which they are imposed, and the measures do not go beyond what is necessary to achieve the objective (for example, cases C-81/12, C-14/83 C 263/11, para. 44-47 and C-54/07)
- A regime of measures and sanctions is dissuasive if sanctions are of such a type and magnitude that the expected costs are higher than the expected benefits to the offender. Moreover, penalties have a deterrent effect on an offender, who should be prevented from repeating the offence, and on other potential offenders, who should be prevented from committing the said offence (as defined by the European Court in cases C-68/88, C-94/05, C-426/93, C-26/00 and C-189/07).

Please also assess whether **illicit possession of firearms** is of a similar gravity to the offence of **illicit possession of drugs**. For this, please **compare** the level of fines and terms of imprisonment set out in national law for these two offences.

See above section **Chyba! Nenalezen zdroj odkazů..** The same conclusions apply as with regard to illicit manufacturing.

Annex I - List of sources

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- Statistics on criminality 2021 [online], available at: <https://www.policie.cz/soubor/2021-12-prosinec-sest-01a-xlsx.aspx>.
- Website of the Ministry of the Interior, Weapons subject to the Firearms Act and the conditions for their acquisition and possession (*Zbraně podléhající zákonu o zbraních a podmínky jejich nabývání a držení*), available at: <https://www.mvcr.cz/clanek/zbrane-podlehajici-zakonu-o-zbranich-a-podminky-jejich-nabyvani-a-drzeni.aspx?q=Y2hudW09MQ%3d%3d>.
- Website of the Ministry of the Interior, Overview of Misdemeanours (2018-2020), available at: <https://www.mvcr.cz/clanek/prehled-prestupku-2018-2020.aspx>.