Fight against cross-border vehicle crime. Initiative Netherlands

2004/0803(CNS) - 27/01/2004 - Legislative proposal

PURPOSE : to tackle vehicle crime with cross-border implications. PROPOSED ACT : Council Decision. CONTENT : in accordance with Article 29 of the Treaty, the aim being to provide citizens with a high level of safety within an area of freedom, security and justice, this draft Decision intends to tackle vehicle crime. Tackling this form of crime is a matter for the competence of the Member States in the police and judicial sphere. However, since its perpetrators pay no heed to Member States' national borders, a European approach is required. It is important to make use of available information and of existing tracing and registration systems. Not all Member States are linked to the Schengen Information System and/or Interpol's register of stolen vehicles. Cooperation between public authorities such as police and customs and Europol must be stepped up. More specifically, the main objective of this draft Decision is to arrive at a common approach and cooperation within the EU with the aim of preventing and combating cross-border vehicle crime. The draft Decision states that particular attention shall be given to the relationship between vehicle theft and the illegal car trade and other forms of crime, such as trafficking in drugs, firearms and human beings. On cooperation between national and competent authorities, the draft Decision states that co operation between national competent authorities Member States shall take the necessary steps to enhance mutual cooperation between national competent authorities (police, customs and vehicle registration authorities) in order to combat cross-border vehicle crime, inter alia by means of cooperation agreements. Specific attention shall be given to controlling exports of goods, taking into account respective competences. As regards co operation between competent authorities and the private sector, Member States shall take the necessary steps to organise periodic consultations between law enforcement agencies and vehicle registration authorities and the private sector (such as holders of private registers of missing vehicles, insurers and the car trade) with a view to coordination of information and mutual alignment of activities in this area, preferably via a permanent consultation platform. Member States shall take the necessary steps with regard to the procedures to be followed for repatriating vehicles released by law enforcement agencies following their seizure. On the issue of vehicle crime contact points, it is proposed that within 3 months from the date when this Decision takes effect, Member States shall designate, within their law enforcement agencies, a contact point for tackling vehicle crime. They shall also authorise the contact points to exchange experience, expertise as well as general and technical information concerning vehicle crime on the basis of existing legislation. Information concerning the designated national contact points, including subsequent changes, shall be notified to the General Secretariat of the Council for publication in the Official Journal of the European Union. With regard to issuing alerts for stolen vehicles and blank registration certificates, whenever a vehicle is reported stolen, Member States' law enforcement agencies shall immediately entera stolen vehicle alert in the Schengen Information System (SIS) and - where possible - in Interpol's ASF/Stolen Motor Vehicle System. An alert in the search register shall be immediately withdrawn by the Member State which issued it as soon as the reason for issuing an alert on the vehicle ceases to exist or its owner withdraws the theft report. Whenever blank registration certificates are reported stolen, Member States' law enforcement agencies shall immediately enter an alert thereon in the SIS. The draft Decision also stipulates that law enforcement agencies and vehicle registration authorities shall take the necessary steps to prevent abuse and theft of vehicle registration documents. When (re-)registering a vehicle, national vehicle registration authorities shall, in cooperation with the law enforcement agencies, consult the vehicle register of the country of original registration as well as the stolen vehicle search registers. In order to prevent stolen vehicles being (re-)registered, arrangements shall be made at national level for consultation or linkage of the registration systems and also for checking the identity of the vehicles. In order to prevent the abuse of vehicle registration certificates, law enforcement agencies shall - where possible - recover a vehicle owner's or vehicle holder's registration certificate if the vehicle has been seriously damaged in an accident (total loss). A registration certificate shall also be recovered where, during a check by the law enforcement

agency, it is suspected that there has been an infringement concerning the vehicle's identity markings. Registration certificates shall be returned only following examination and positive verification of the vehicle's identity. In addition, Europol shall be informed by the law enforcement agencies on vehicle crime perpetrators (perpetrator groups), within the scope of the latter's mandate and tasks. Member States shall take the necessary steps to ensure that national police and customs training institutes promote in their curricula specialist training in the field of vehicle crime prevention and detection. Furthermore, vehicle crime contact points shall hold a meeting at least once a year under the auspices of the Member State holding the Presidency of the Council. Europol shall be invited to participate in that meeting. The Presidency shall report to the Council on the progress of practical police cooperation. Lastly, partnership or cooperation agreements to be concluded between the European Union and third countries shall as far as possible include a provision concerning vehicle crime, and more particularly concerning the verification of vehicles upon registration in a third country where the vehicles originate in one of the Member States. At the request of the third country for verification of vehicles, the Member State in question shall consult the National Schengen Information System as well as the vehicle registration authority of that Member State. Implementation of this Decision shall be evaluated after 3 years from the date on which it takes effect.