



**COUNCIL OF  
THE EUROPEAN UNION**



## **Council Conclusions on improving the detection of stolen vehicles in the Member States to tackle illegal cross-border vehicle trafficking**

*3051st JUSTICE and HOME AFFAIRS Council meeting  
Brussels, 2 and 3 December 2010*

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION

TAKING INTO ACCOUNT the presence of well-organised criminal organisations which have the necessary knowledge and know-how at their disposal to forge vehicle identification numbers and documents and to sell stolen vehicles without the anticipated intervention of competent authorities within the European Union<sup>1</sup>, and the fact that, even though crime rates have dropped significantly from 2003 to 2007, a large number (768,994) of vehicles are still being stolen in the EU; also the recovery rate has diminished from 70% in 2006 to 50% in 2008<sup>2</sup>, which can be seen as the result of the activities of these well-organised criminal groups,

TAKING INTO ACCOUNT that the estimated profit of the criminal groups came to 3,86 billion euro for 2008, and that the actual cost according to the European insurance sector comes to 15 billion euro per year<sup>3</sup>,

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<sup>1</sup> Europol's Assessment on Motor Vehicle Crime: Update 2008, and the results of a questionnaire of the Presidency, done in 2010 among the EU contacts points for tackling vehicle crime with cross-border implications.

<sup>2</sup> Europol vehicle crime statistics 2008.

<sup>3</sup> Europol Assessment on Motor Vehicle Crime: Update 2008 (the average profit for a stolen car is estimated at 10 000 euro; in 2008, 386 162 cars were not recovered).

# **P R E S S**

BEARING IN MIND THAT the shortcomings in the implementation of the current detection systems allow these criminal groups to traffic stolen cars undetected, as the access of the registration authorities within the Member States to the Schengen Information System (SIS) provided for by Regulation (EC) No 1160/2005 of the European Parliament and of the Council of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles<sup>4</sup> is not used to its full potential; also, as the SIS contains the original vehicle identification number of a stolen vehicle, when a vehicle identification number is forged and if the capabilities of the SIS are not fully exploited by inserting and checking the data on both vehicles and documents, the effectiveness of the system is diminished,

CONCERNED ABOUT the lack of implementation of the above-mentioned Regulation in certain Member States<sup>5</sup>,

ALSO BEARING IN MIND THAT customs agencies which process incoming and outgoing vehicles, and thus are in an ideal position to detect stolen vehicles in an early stage, do not always have access to the SIS even though it is legally foreseen in Article 101 of the Convention implementing the Schengen Agreement<sup>6</sup>,

RECALLING THAT the Stockholm Programme<sup>7</sup> stresses that cross-border crime requires a clear and comprehensive response, and affirms that the prime objective of the EU law enforcement cooperation is to combat forms of crime that have typically a cross-border dimension, and that the focus should also be placed on combating widespread cross-border crime that has a significant impact on the daily life of citizens,

REFERRING TO Article 6(3) of Council Decision 2004/919/EC<sup>8</sup> on tackling vehicle crime with cross-border implications which includes the use of the SIS as an integral part of the law enforcement strategy against vehicle crime,

REFERRING TO Article 9 of Council Directive 1999/37/EC on the registration documents for vehicles<sup>9</sup> which stipulates that the Member States may exchange information at bilateral or multilateral level in particular so as to check the legal status of vehicles before their registration; such checking may in particular involve the use of an electronic network,

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<sup>4</sup> OJ L 191, 22.7.2005, p. 18. This Regulation sets out that within a reasonable amount of time all EU Member States should enable their services responsible for issuing registration certificates for vehicles to systematically check the Schengen Information System (SIS) before registering a vehicle.

<sup>5</sup> 16900/08 SIRIS 161 SCHENGEN 42 ENFOPOL 254 COMIX 889 and 13993/1/10 REV 1 SIRIS 132 SCHENGEN 54 ENFOPOL 256 COMIX 603.

<sup>6</sup> OJ L 239, 22.9.2000, p. 19.

<sup>7</sup> OJ C 115, 4.5.2010, p. 1.

<sup>8</sup> OJ L 389, 30.12.2004, p. 28.

<sup>9</sup> OJ L 138, 1.6.1999, p. 57.

REFERRING TO Council Decision 2004/919/EC on tackling vehicle crime with cross-border implications which states that "the fight against vehicle crime will be intensified by an increase in the number of Member States acceding to the Treaty concerning a European Vehicle and Driving Licence Information System (EUCARIS)<sup>10</sup> of 29 June 2000"<sup>11</sup>,

TAKING INTO ACCOUNT Council Decisions 2008/615/JHA<sup>12</sup> and 2008/616/JHA<sup>13</sup> on the basis of which all Member States are required to use a version of the EUCARIS software application to conduct in individual cases automated searches on vehicle registration data for the prevention and investigation of criminal offences before 26 August 2011,

INVITES THE MEMBER STATES:

- (1) to fully implement Regulation 1160/2005 of the European Parliament and of the Council of 6 July 2005 in particular with a view, when national technical functionality and resources allow, to ensuring that their services responsible for issuing vehicle registration certificates systematically check the Schengen Information System (SIS) in real time before the registration process is completed and that checks of the registration documents are also performed in order to detect any attempts to register vehicles with forged identification numbers on the basis of stolen documents;
- (2) to provide the possibility to immediately enter an alert in the SIS whenever registration certificates are reported stolen, in compliance with Article 6(3) of Council Decision 2004/919/EC;
- (3) to provide first-line access to the Schengen Information System for the authorities who are in charge of custom checks of imported and exported vehicles, when national technical functionality and resources allow, as foreseen by and in accordance with Article 101 of the Convention implementing the Schengen Agreement and their national law;
- (4) to accede to the Treaty concerning a European Vehicle and Driving Licence Information System (EUCARIS) of 29 June 2000, in order to be able to detect stolen vehicles with forged identification numbers by making use of non-existent vehicle identification numbers or the identification papers of seriously damaged vehicles."

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<sup>10</sup> The Treaty concerning a European Car and Driving Licence Information System (EUCARIS) was signed in 2000 within the framework of the fight against fraud and crime involving motor vehicles and came into force on 1 May 2009. It provides for the automatic exchange of vehicle registration data between the participating countries. In addition to that, a number of countries have already signed a Declaration of Endorsement, which enabled them to accede to the same functionalities pending the signing and ratification of the Treaty. Currently, the participating countries are: Belgium, the Netherlands, Luxembourg, Germany, Ireland, the United Kingdom, Iceland, Sweden, Latvia, Estonia, Lithuania, Italy, Hungary, Romania and Slovakia. The parties agree to preventatively check a vehicle coming from one of the parties prior to the registration thereof. In case there is a difference between their information and the information given by the applicant or in case of a theft alert, the participating parties commit themselves to examining the history of the vehicle. Thus, suspect registrations of potentially stolen vehicles can be identified and checked.

<sup>11</sup> Recital (12).

<sup>12</sup> OJ L 210, 6.8.2008, p. 1.

<sup>13</sup> OJ L 210, 6.8.2008, p. 12.