

*German presidency*As of 30 August 1994

**Guidelines for discussion
on the issue of motor vehicle crime
(Electronic immobilizers)**

I. Situation

In the past few years, illegal international transfer of stolen motor vehicles has developed to become a serious problem both in Western and Eastern Europe. Up to about two years ago, the procurement activities of international car traffickers were limited to the territories of the European Union. In the meantime, the areas of procurement and illegal transboundary transport have been expanded to the whole of Western and Central Europe. The marketing areas for vehicles that have been procured illegally are shifting further to the East. For instance: in 1993 it was observed that the activities of these criminals increasingly spread to Poland, the Czech Republic and Hungary and partly even to the Caucasian republics and Kazakhstan. Sweden and Finland, too, complain of increased activities in the field of illegal transboundary transfer of cars to the East European states. In addition, there continue to be the "classic markets" such as the Near and Middle East, the former Yugoslavia, Morocco and Japan.

In 1992, a total of 1.8 million vehicles were circulated on the wanted list. Of these, 760.000 cars were not found again. In 1993, a total of 144.000 passenger and estate cars were circulated. 60 per cent of these vehicles could be seized by the police, while almost 60.000 passenger and estate cars disappeared for good. Unfortunately there is no prospect that the situation in this field of delinquency will ease up.

In addition to a general improvement of anti-theft security equipment of motor vehicles, internationally harmonized action is required to combat organized motor vehicle theft.

For the time being, the Directive 74/61/EEC is being revised with a view to tightening the requirements on security precautions against the unauthorized user of motor vehicles.

The technical security requirements for motor vehicles in the European Union are bindingly defined; there no longer exists a national competence to provide legal provisions.

In the framework of the German Presidency, the Federal Government, in the Council of the European Union, therefore vigorously pursues the following objectives:

- the electronic immobilizer, which by a specific code blocks a control unit needed for the operation of the car and thus prevents that the engine can be started at all, should be made a mandatory piece of equipment by adapting the Directive 74/61/EEC accordingly so as to make it a binding requirement for all EU Member States,
- the basic anti-theft equipment of motor vehicles should be improved throughout the EU, e.g. reinforcement of locks on doors, trunks etc., which prevent unauthorized access to the passenger compartment,
- a Union-wide uniform system of registration and licensing with fake-proof registration documents should be set up.

A draft directive is presently discussed by the European Commission. However, no agreement has so far been reached within the European Union. The Commission will now draw up a proposal which is to be decided by the Adaptation Committee. So far, no date has been fixed for the Adaptation Committee to deal with this matter.

In addition to protective equipment for the vehicles themselves, the operational cooperation of the prosecuting authorities with regard to illegal transboundary transfers of stolen cars has to be improved. The main emphasis should be on making rapid and precise information available to the prosecuting authorities.

The cooperation with the countries of the EU and other Western states is primarily based on bilateral contacts, the exchange of information being

normally effected through Interpol channels. The cooperation with the East European countries is more problematic. Owing to poor telecommunications, an exchange of information is largely only possible by telefax. However, these technical means only play a limited role in solving the problems.

II. Action/proposals for solution

The WG on Drugs and Organized Crime has no coordinating responsibility for amending the Directive 74/61 EEC. The first meeting of the WG was held in Brussels on 1 July 1994.

A letter, which was proposed by the Presidency and directed to the Chairman of the Internal Market Council and to the competent Commissioner (Martin Bangemann) is to make clear to the members in the Committee responsible for adapting the guideline to the technical progress how important the mandatory introduction of the electronic immobilizer is from the police point of view. The letter is to be dealt with again at the September meeting of the WG on Drugs/Organized Crime. All delegations will consider the German proposals in the meantime.

In the field of illegal transboundary transfer of stolen cars, the prime objective of all measures should be to create, at least at EU level and step by step, a central collection of data on stolen motor vehicles to which all European states have direct access. At present, only a few states have the possibility of mutual access to the relevant national search data of another state.

The Schengen Information System (SIS) will constitute a first important step towards improved search; however, a restrictive factor consists in the fact that it may only be used directly by Contracting States of the Schengen Agreement. Communication of data obtained to third countries is not allowed.

A qualitative improvement might possibly be achieved by the creation of the EIS/European Information System (extended SIS). When considering the conception of this system, it should be examined whether and to what extent the former Eastern Bloc states will be granted access to the data files on wanted objects.

For the next meeting, the Presidency will prepare a note for submission to the K.4 Committee in which the Horizontal Group (Informatics) is requested to seek ways to make the search for objects in the framework of the EIS more effective.