



European Economic and Social Committee

INT/274
Vehicle registration (SIS II)

Brussels, 14 December 2005

OPINION

of the
European Economic and Social Committee
on the

Proposal for a Regulation of the European Parliament and of the Council regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates

COM(2005) 237 final – 2005/0104 (COD)

On 16 September 2005 the Council decided to consult the European Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the

Proposal for a Regulation of the European Parliament and of the Council regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates
COM(2005) 237 final – 2005/0104 (COD).

The Section for the Single Market, Production and Consumption, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 20 October 2005. The rapporteur was Mr Ranocchiaro.

At its 422nd plenary session, held on 14 and 15 December 2005 (meeting of 14 December), the European Economic and Social Committee adopted the following opinion *nem. con.* with 123 votes in favour and two abstentions.

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1. Introduction

- 1.1 The Schengen Convention, which is designed to permit the free movement of people and goods, was signed in 1990 and became operational in 1995. The Schengen Convention stipulates which authorities have access to the Schengen Information System (SIS) and the purposes for which such data may be used. This first text of the Convention did not allow vehicle registration authorities to access the SIS.
- 1.2 On 21 August 2003, the Commission submitted a Proposal for a Regulation amending the Convention implementing the Schengen Agreement as regards access to the Schengen Information System (SIS) by the services in the Member States responsible for issuing registration certificates for vehicles¹. The aim was to allow access to SIS data on stolen vehicles and trailers, stolen blank official documents and issued identity papers (passports, identity cards, driving licences) for the purposes of checking whether vehicles presented for a second registration have been stolen, misappropriated or lost and also whether persons applying for a registration certificate are using stolen identity or vehicle registration documents to this end.
- 1.3 The European Economic and Social Committee issued its opinion on the proposal on 25 February 2004². The EESC agreed with the Commission that access to the SIS should be broadened to include national authorities responsible for issuing and checking vehicle

¹ COM(2003) 510 final – 2003/0198 (COD).

² OJ C 110 of 30.4.2004.

registration certificates. The EESC was also pleased that the proposal, taking into account the fact that various Member States have private services responsible for vehicle registration, suggested that these private services might obtain the information necessary to carry out their work properly, indirectly through one of the public authorities with access to the SIS, provided that data protection was guaranteed.

- 1.4 Subsequently, and after enlargement, it became clear that the development of a second generation of SIS (i.e. SIS II) was essential so that the new Member States could connect to the system and the Schengen area could be extended to the territory of these Member States.
- 1.5 Given that the SIS II needs an appropriate legal framework and the different policy areas involved, the European Commission had to table three proposals: the first one relates to the free movement of persons, the second to police and judicial cooperation in criminal matters while the third one complements the other two proposals and aims at providing vehicle registration authorities with access to the SIS II.
- 1.6 The EESC is now being consulted on this third proposal, which represents a necessary follow-up to the previous, above-mentioned Regulation³, which was recently adopted by the Council on 6 July 2005.

2. **General comments**

- 2.1 The Commission's new proposal is intended to ensure consistency with the new legal instruments for the establishment, operation and use of the second generation of the Schengen Information System (SIS II). The Commission states that the main objective of the current proposal is the same as that tabled in August 2003, i.e. to reinforce cooperation between Member States, based on an effective exchange of information to combat fraud and illegal trade in stolen vehicles. The Commission further notes that the purpose is to guarantee that the services responsible for issuing registration certificates for vehicles shall have access to the same SIS data under the new legal framework for SIS II as they have had since June 2005, when the 2003 proposed Regulation entered into force.
- 2.2 The issue is still important since some 1.3 million vehicles are currently stolen each year in the European Union and approximately 500,000 vehicles disappear for good⁴. Vehicle crimes are also related to other crimes such as trafficking, smuggling and terrorism (car bombing).
- 2.3 The EESC reiterates its agreement with the Commission that access to the SIS II should be broadened to include national authorities responsible for issuing and checking the above-mentioned documents (see point 1.2). In addition, private services responsible for vehicle registration should obtain information indirectly through one of the public authorities with

³ See footnote 1.

⁴ Source: Statistics from Europol, The Hague, 27 June 2005.

access to the SIS II, provided that data protection is guaranteed. It is especially important to secure mechanisms for restricting access to other information in the system, which is reserved for the authorities specified in Article 101 of the Schengen Convention.

- 2.4 The general comments and other comments that the EESC set out in the opinion of 25 February 2004 should still be considered. Some comments can be restated. For instance, the EESC thinks that the proposal would enhance security and speed up justice procedures. It will also act as an incentive to the Member States to allow more free movement of vehicles within the Union. However, it is important that the proposal be compatible with Member States' domestic rules and regulations. It is also important to give access to Member States which are not signatories to the Schengen Convention and to increase cooperation with Interpol and Europol in order to combat traffic in stolen or misappropriated vehicles outside countries which have access to the SIS II. The EESC also points out the importance of compiling, processing and publishing statistical data on this type of crime in order to enhance the approach to tackling it.

3. Special comments

- 3.1 The Commission proposal is well in line with the Council Decision of 22 December 2004 on tackling vehicle crime with cross-border implications (2004/919/EC)⁵. The Decision states that "cooperation between law enforcement authorities and vehicle registration authorities is of particular importance, as is the provision of information to the relevant parties". Article 7 of the Decision states that the national vehicle registration authorities shall be informed by the law enforcement authorities whether a vehicle, that is in the process of being registered, is known as having been stolen and that access to databases to that end shall take place with due respect to provisions of Community law. The EESC is pleased that the thoughts set out in the Council Decision are now incorporated in the Commission proposal.
- 3.2 Although the Commission proposal only concerns access by the registration authorities to certain information within the SIS II, the EESC would underline the need for greater cooperation in order to combat vehicle crimes. As stated in Article 4 of the Council Decision "the Member States shall take necessary steps to organise periodic consultations, as appropriate, among national competent authorities, in accordance with national law and may involve representatives of the private sectors (such as holders of private registers of missing vehicles, insurers and the car trade) in such consultations with a view to coordination of information and mutual alignment of activities in this area". The EESC thinks that the Commission must take such ideas into consideration in future work to combat vehicle crimes.
- 3.3 As an example of these ideas, the EESC would mention Interpol's earlier project *Stop Register Stolen Cars (StoreSto Car, later called Vehicle Identification, Research and Analysis, VIRA 17)*. The aim of this project was to bring together all information on cars in one database, information provided by the vehicle identification number (VIN) if the car was

⁵ OJ L 389 of 30.12.2004.

reported stolen, registered, exported or imported, manufactured or scrapped. Such a database forms a basis for cooperation between law enforcement authorities, registration authorities, custom authorities, car manufactures and insurance business.

- 3.4 As regards the present proposal, the EESC also wishes to point out that there are generally few possibilities to examine a vehicle physically in order to establish its identity and find out whether it has been reported stolen. In many countries the registration of a vehicle is combined with an inspection. Thus when a vehicle is being registered an opportunity arises to check whether it has been stolen. It is therefore important to provide the registration authorities with this means of detecting stolen, misappropriated or lost vehicles.
- 3.5 As was noted in point 3.2 above, there is a need for greater cooperation in order to combat vehicle crimes. Another opportunity to examine a vehicle physically arises when the vehicle is exported or imported. The EESC recommends that the customs authorities should check in the same SIS II data as the registration authorities, both when a vehicle is imported or exported.
- 3.6 When checking a vehicle to determine whether it has been reported stolen or not, it must also be possible to establish the identity of the vehicle. The identity of a vehicle is often established by its vehicle identification number (VIN). It is not unusual that a stolen vehicle's identity has been falsified or cloned. The EESC points out that it is important in the future to increase the possibilities of identifying a vehicle. Proposals such as electronic vehicle identification (EVI) or better spare parts marking must be closely examined and evaluated.
- 3.7 Finally, the EESC suggests a further step to be done in the nearest future in order to extend the scope of this regulation. As a matter of fact the present Commission proposal, aiming at checking whether vehicles have been stolen, misappropriated or lost should be combined with the possibility to repatriate vehicles. This possibility varies considerably between the Member States and depends on the countries' different bona fide provisions. In some countries it is possible to obtain ownership of a stolen vehicle when the vehicle has been received in good faith, while in others it is not. In addition, the possibilities of repatriating vehicles which have been found to be stolen must be explored and evaluated in the future.

Brussels, 14 December 2005.

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