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**NOTE**

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From: Presidency

To: Standing Committee on Operational Cooperation on Internal Security  
(COSI)

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Subject: Outlaw Motorcycle Gangs  
- Results of questionnaire

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In January 2016, the Netherlands Presidency submitted to the Member States a questionnaire on the issue of the Outlaw Motorcycle Gangs. This questionnaire has been reproduced in [Annex II](#).

The results of this questionnaire, to which 20 Member States kindly replied <sup>\*</sup>, is set out in [Annex I](#).

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<sup>\*</sup> Belgium, Bulgaria, Czech Republic, Germany, Greece, France, Hungary, Italy, Latvia, Lithuania, the Netherlands, Austria, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Finland, Sweden.

## **ANNEX I**

### **Results of the questionnaire on Outlaw Motorcycle Gangs**

#### **Introduction**

Problems surrounding Outlaw Motorcycle Gangs (OMCG's) are not purely national, but clearly have an international dimension. The Council decided already in 2013 that "organised property crime committed by Mobile Organised Crime Groups" was one of the EU crime priorities in the framework of the EU Policy Cycle to fight serious and organised crime 2013 - 2017.

Initiatives to strengthen cooperation and the exchange of best practices between Member States includes the working conference 'Barriers to Outlaw Bikers' which took place on 23 April 2015 at Europol, organised by the Dutch Ministry of Security and Justice. Belgium presented a proposal to the JHA Council meeting on 8 October 2015 to highlight the problems with OMCG's as well as the need for an EU wide approach (12041/15). At that meeting, the Council mandated the Standing Committee on Operational cooperation on Internal Security (COSI) to discuss appropriate measures at EU level to respond to this crime phenomenon.

COSI ensured that the drivers of various OAPs were informed about this growing phenomenon and invited them to take this into account in the drafting of the new OAPs 2016. Europol was also invited to make sure that the next SOCTA would provide more detailed information on poly criminal groups, which was also to be taken into account in the new SOCTA methodology.

The notion that criminal phenomena such as crimes related to OMCG's should be dealt with in an administrative manner on top of the traditional criminal law measures has gained support within the EU. This was emphasized in the renewed European Internal Security Strategy (2015-2020) which stated that different actors, as from their respective competences, can contribute to the security in the EU. The need to explore, develop and use innovative and multidisciplinary mechanisms such as the administrative approach was also included as a strategic goal in the OAP "Organised Property Crime". Several OAPs also mentioned that "when available, the actions should also include administrative measures".

OMCG's are well suited to be tackled through the administrative approach. Belgium therefore requested in its September 2015 proposal to COSI to put the administrative approach of outlaw motorcycle gangs and the exchange of administrative information on organised crime on the agenda of the Informal Network on the administrative approach which the COSI agreed at its meeting on 21 October 2015. The aim of this proposal is to come to a general overview of the possibilities and tools the administrative authorities in different Member States can employ to deal with OMCG's. Since then this topic has been addressed at the meeting of the Informal Network on the administrative approach which took place on 26 January 2016. During this meeting several Member States (MS) presented their national approaches and the Benelux secretariat presented a project on cross border cooperation to deal with this phenomenon in the Euregion Meuse-Rhine.

In addition to this request a questionnaire was developed and sent out by the NL Presidency through the Informal Network in order to gain an overview of criminal activities related to OMCG's and the way different Member States apply administrative measures to deal with this issue.

This document reflects the outcomes of this questionnaire and a proposed follow-up. Furthermore it takes into account the proposed actions in the draft Council Conclusions on the administrative approach to prevent and fight serious and organised crime, including the instruction given to COSI to coordinate, support, monitor and evaluate the development of the administrative approach at the EU level (8703/16).

### **Criminal activities related to OMCGs**

Of the 20 Member States (MS) who replied to the questionnaire 18 MS reported that there are one or more OMCGs present on their territory. Bulgaria and Hungary replied that no OMCGs have currently been identified.

Thirteen of these 18 MS with OMCGs said that OMCGs are involved in one or more criminal activities like those stated in doc. 12041/15. Drug trafficking, illegal trade in weapons, extortion and racketeering are most often mentioned as crimes committed by OMCG Members.

MS such as Germany, Belgium, Finland, Portugal, Spain, Czech Republic and Sweden also underlined the threat OMCGs pose to public order and safety because of incidents such as violent clashes between rival OMCGs. On the contrary France noted that although OMCGs are involved in the forms of organised crime described in the document, OMCGs do not cause these public order problems in France.

Slovakia, Greece, Poland, Romania and Lithuania reported that although OMCG chapters have been set up in their territory, they are not involved in organised crime. Romania reported that there is a risk that this might happen in the future.

### **Measures against OMCGs**

Most MS monitor OMCGs. Several MS, for example Austria and Romania have set up a separate structure such as a network of case officers or designated police officers to coordinate actions against OMCGs.

Generally speaking, the measures taken against OMCG's are the traditional measures taken against the crimes described. However, organised crime can be a aggravating factor in the penalty imposed, for example in Spain, the Netherlands and France. In Spain legal steps are taken to identify OMCGs as organised crime organisations.

### **Administrative measures**

Twelve MS make use of administrative measures with regard to OMCG related crime. The nature of measures taken varies. Measures that are most widely used are closing down of premises (six states), withdrawal of permits or licenses such as withdrawal of license to carry arms and withdrawal of permit to work in the private security branch (six states), traffic safety controls (five states), fiscal measures such as tax controls to search premises or confiscation of proceeds of crime (four states). Germany is the only Member State that reported the ability to impose an association ban on an OMCG. Furthermore Germany imposed a ban on the wearing of OMCG biker vests at certain venues.

## **Cross border effects**

Of the 18 MS who claim to have OMCGs present in their territory, 16 MS report cross border activities. These activities can take different forms. Eleven MS report that there are close contacts with OMCG chapters in other countries. Contacts are especially close but not limited to the border regions and most countries report contacts between OMCG chapters between neighboring countries or countries located in the same region. For example between Spain and Portugal, between Belgium, Germany and the Netherlands, between Germany and Denmark, between Scandinavian countries, between France and Switzerland, Belgium and Germany and between Czech Republic, Austria and the Balkans.

Some MS, for example France, reply that their OMCGs have members from foreign countries. Several MS gave examples of OMCG chapters from different countries participating in criminal activities such as the trafficking of arms and drugs. Other examples for cross border activities included the setting up of chapters in neighboring countries and the relocation of club houses on the other side of the border when a clubhouse is closed or a OMCG chapter is banned.

Eight MS report that OMCGs establish and keep in contact with OMCG chapters in different countries through large scale events in which OMCG members from different countries participate. One example is the Hells Angel Motor Club World Run, which will be held in June in Poland. Poland reports it expects 3.000-5.000 members from abroad to visit the World Run and several other member states know that members from their countries will participate in this event.

## **Recommendations on international cooperation**

Several MS make recommendations with regard to international cooperation. Sweden reports that large scale events play an important role in keeping the different chapters within the organisation together. These events may be used as a platform to meet new criminal associates and plan future criminal activities. Sweden therefore argues that it is unfortunate that many MS cannot share information containing personal data for administrative purposes while this would be very useful to control and possibly limit these events. Some other MS, for example Portugal, also call for the strengthening of exchange of information and cross border cooperation. France mentions that OMCG activity and public order and safety problems seem to vary between MS.

## Conclusions and follow up

The notion that criminal phenomena, such as crimes related to OMCG's, should be dealt with in an administrative manner on top of the traditional criminal law measures, combined in a multidisciplinary approach, has gained support within the EU. Therefore it is essential to ensure effective cooperation between national law enforcement and administrative authorities and subsequently to allow for information exchange for administrative purposes.

On the European level, OMCG's are now mainly being tracked through Europol's Focal Point Monitor and through subsequent expert and operational meetings. The threatening nature of criminal OMCG activities, however, calls for a better international involvement of administrative authorities in operational cases. COSI is invited to stimulate that appropriate use is made of the administrative approach in the Operation Action Plans 2017, for each priority that links to crimes related to OMCG's. Furthermore, COSI is invited to give attention to the method of the administrative approach when preparing the Council conclusions setting the new EU crime priorities 2018-2021 based on the SOCTA findings and when preparing the new MASPs and OAPs 2018-2021.

As stated in the draft Council conclusions on the administrative approach (Doc. 7686/16) the information position of administrative authorities as part of a multi agency cooperation in cross border cases needs to be improved. It is therefore essential to develop operational cross border projects between two or more Member States and with the support of Europol and the European Commission in order to better identify opportunities and obstacles for cross border information exchange for administrative purposes in the fight against crimes, including the ones related to OMCG's.

Besides the need to identify and improve on the blind spots in the current European legal instruments to share information for administrative purposes, Member States and Europol are invited in the draft Council Conclusions to develop an institutional framework for an advanced multi agency platform at the EU level. A Benelux and Germany pilot in the Euregion Meuse-Rhine could serve as a good practice for such a platform.

The Informal Network on the administrative approach (doc. 16407/14) is requested to report the progress of the aforementioned actions to COSI in June 2017. Lastly these actions will serve as input for a new multi annual Work Program for the Informal Network from 2018.<sup>†</sup>

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<sup>†</sup> The current multi annual Work Programme for the Informal Network (doc. 16407/14) covers the period 2015-2017.

## ANNEX II

### Questionnaire on Outlaw Motorcycle Gangs

as it was distributed by the Netherlands Presidency in January 2016



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from :	The Netherlands delegation
to :	Informal Network of Contact Points on the administrative approach to prevent and fight organised crime
Subject :	Administrative approach to OMCG's - questionnaire

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Problems surrounding Outlaw Motorcycle Gangs (OMCG's) are not purely national, but clearly have an international dimension. The need for an approach at the EU level has been demonstrated in the Europol OMCG Situation Report of 2015 (Doc. Ref. KPR2015-003). Initiatives to strengthen cooperation and the exchange of best practices between Member States includes the working conference 'Barriers to Outlaw Bikers' which took place on 23 April 2015 at Europol. In September 2015 Belgium presented a proposal to COSI to highlight the problems with OMCG's as well as the need for an EU wide approach (Doc. Ref. 12041/15).

The notion that criminal phenomena such as OMCG's should be dealt with in an administrative manner on top of the traditional judicial measures has gained support within the EU. This was emphasized in the renewed European security strategy (2015-2020) which stated that different actors, as from their respective competences, can contribute to the security in the EU.

OMCG's are well suited to be tackled through the administrative approach. Belgium therefore requested in their September 2015 proposal to COSI **to put the administrative approach of outlaw motorcycle gangs and the exchange of administrative information on organised crime on the agenda of the informal EU network on the administrative approach.**



The aim of this proposal is to come to a general overview of the possibilities and tools the administrative authorities in the different Member States can employ to deal with outlaw motorcycle gangs. This topic will be addressed during the meeting of the informal EU network on the administrative approach which takes place on 26 January 2016.

In addition to this request a draft questionnaire has been developed in order to get an overview of criminal activities related to OMCG's and the administrative measures different Member States apply to deal with OMCG's. We would like to ask you to answer the questions as fully as possible. If a question does not apply to your situation, please indicate this with a short explanation if possible in your answer.

Please return this questionnaire to Ministry of Security and Justice to the attention of Ms Cathelijne Jorissen through the following mail address: [Cathelijne.Jorissen@liec.nl](mailto:Cathelijne.Jorissen@liec.nl) **no later than April 1, 2016**. The outcomes of the questionnaire will be presented to COSI. Your cooperation is greatly appreciated.

### **Questions**

1. Do you recognise the issues related to criminal activities by OMCGs mentioned in document 12041/15? If relevant, please indicate other issues related to OMCGs as well.
2. What measures are taken in your country to combat or prevent criminal activities by OMCGs?
3. To what extent administrative measures are or could be used in your country combat these problems? (for example within the framework of the maintenance of public order or in order to close down OMCG clubhouses)? If so please give an overview of the measures.
4. Are you aware of any cross border activities by OMCGs in your country (such as the opening of OMCG chapters on both sides of the border or OMCG members from both sides of the border participating in ride outs)? If so please elaborate.