



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

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| From: | IT delegation |
| To: | Law Enforcement Working Party |
| Subject: | Exploratory discussion paper on establishing a European operational network to counter metal theft, including a questionnaire |

1. Introduction

Metal theft is a growing threat to the security of all Member States and may have a devastating impact on businesses, communities and individuals because it affects a wide range of sectors and results in the disruption of key services such as telecommunications, water, gas and power supply, the halting of production processes in private factories, railway traffic problems and violation of religious premises and monuments. In most cases the global damage caused by metal theft far exceeds the value of stolen metals, with particularly serious economic and social repercussions and potentially detrimental effects on public order and security.

Due to the increasing demand for metal on the international market and corresponding price hikes, metal theft has become a particularly lucrative and attractive activity for criminal organisations. As long as the demand for metal continues to increase, this type of theft will continue to attract organised criminal groups.

All these factors have led to a greater awareness of how important it is to combat this phenomenon both at national and transnational level.

However, at the present time, the various Member States have different ways of managing the prevention and countering of metal theft, due to differences in legislation and in the approach of the relevant players.

Although metal theft is carefully monitored in many Member States and various initiatives have been undertaken at European level by Europol, Railpol and the transnational Pol-PRIMETT I and Pol-PRIMETT II projects (police-private partnership to tackle metal theft), all possible forms of operational cooperation should be improved in order to prevent, curb and counter metal theft by adopting not only shared operational modules (action days), but also targeted prevention and countering strategies. Member States should therefore be able to share competences and knowledge in their efforts to achieve a radical reduction of the phenomenon throughout the Union.

Investigations have also shown that this crime is usually perpetrated by organised crime groups and that, considering the huge economic interests gravitating around the copper trade in particular, the possibility cannot be excluded that such crime may:

- shift from countries where prevention and countering activities are more effective (or which have rules that can help to stop it from spreading) to countries which still pay little attention to this potential threat;
- acquire the violent characteristics which are typical of increasingly mobile, flexible and resourceful organised criminal groups;
- lead to the growing involvement of serious transnational organised crime.

2. Reference documents

On 6-7 June 2013 the Council adopted conclusions setting out the EU's priorities in the fight against organised crime for the period 2014-2017 and underlined the need to combat organised property crime committed by mobile organised crime groups.

On 23 October 2013 the European Parliament adopted resolution T7(2013)0444 on organised crime, corruption and money laundering which:

- stressed the need for Member States and the EU to identify and combat relatively new areas of organised crime, including the trade of rare minerals, stolen metals, and the disposal of toxic waste, which are having a negative effect on legitimate markets¹;
- called on the competent authorities in the Member States to consider that even activities that apparently have a purely local impact, such as theft of copper and other metals for industrial use, can actually be traced back to transnational organised crime and be aimed at committing further more serious crimes²;
- called on the EU and the Member States to develop legal tools and specific strategies to ensure that their law enforcement authorities facilitate and increase, in a manner fully involving Europol and enhancing its role, the circulation of information among themselves and carry out the necessary analyses to identify and, where possible, prevent and counter emerging organised crime trends while at the same time respecting fundamental rights, and in particular the right to privacy and the right to personal data protection³;
- pointed out that cross-border crime can only be tackled by cross-border judicial and police cooperation between Member States⁴.

¹ EP resolution T7(2013)0444, recital Z (full text available here: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2013-444>).

² EP resolution T7(2013)0444, paragraph 113.

³ EP resolution T7(2013)0444, paragraph 57.

⁴ EP resolution T7(2013)0444, paragraph 63.

Europol in its EU Serious and Organised Crime Threat Assessment (SOCTA) 2013 report, underlined that metals are often stolen in one Member State and sold in another State, and highlighted that metal theft in general and copper theft in particular⁵:

- have become an important issue across Member States, and there has been an increase in the number of thefts since 2011. Organised crime groups (OCGs) involved in property crime tend to be highly mobile with relatively few individual members;
- have become a highly lucrative activity facilitated by differences in legislation between various Member States related to selling and processing scrap metal;
- are of particular concern because they often result in the disruption of key services, such as telecommunications, rail networks or power, and have a serious impact on business, communities and individuals. In most cases the economic damage caused by metal theft far exceeds the value of stolen metals.

3. Initiatives taken at EU level

The support provided by Europol and the EU policy cycle

In order to respond to the threat posed by metal theft and in particular by copper theft, Europol organised two international conferences in April 2013 and April 2014 with the participation of officials from Member States' police agencies and law enforcement services, and representatives of businesses affected by this phenomenon operating on EU territory in the field of power, telecommunications, rail transport and metal recovery and recycling.

The aim of the meetings was to share knowledge and experiences and explore the best way to combat metal theft more effectively.

In May 2013 and May 2014, as a follow-up to the conferences, two Action Days on metal theft, led by Belgium with the support of Europol, were organised in the framework of EMPACT (European Multidisciplinary Platform Against Criminal Threats) to implement the EU policy cycle on the threat posed by serious and organised crime.

⁵ SOCTA 2013, p. 25.

The support provided by the European Commission

The European Commission supported the fight against metal theft through ISEC, the programme for the prevention and fight against crime, which financed two projects - Pol-PRIMETT I and Pol-PRIMETT II - in the period 2007-2013.

In particular, Pol-PRIMETT II is an ideal follow-up to Pol-PRIMETT I, which began in October 2010 and finished in September 2013 and was aimed at developing cooperation between EU law enforcement agencies and the relevant private sector in the fight against metal theft and international trafficking. The project intends to extend the public-private partnership established in the previous initiative in order to achieve a more comprehensive exchange of good practices for managing the phenomenon. It is led by the UK National Crime Agency with Europol, Railpol and eight Member States as partners.

For further information on the initiative, click on www.pol-primett2.org.

The Railpol contribution

RAILPOL is an international network of the organisations responsible for policing the railways in the Member States. The aim is to enhance and intensify international railway police cooperation in Europe, to prevent threats and guarantee the effectiveness of measures against cross-border crime. This network, currently consisting of 15 Member States, also provides a significant contribution to the analysis of copper theft in railways.

The Colpofer contribution

Colpofer is a body consisting of various organisations responsible for the daily protection of persons, installations, vehicles and data in the railway environment.

In 1981, some west European railway companies and law enforcement authorities founded a collaborative body named COLPOFER, constituting an independent special group of the UIC (International Union of Railways), in order to intensify their cooperation on security issues.

COLPOFER developed over time and now has 29 members.

The intensified cooperation between law enforcement authorities and railway operators' security organisations which is taking place in the framework of COLPOFER includes:

- exchanging experiences and information between members concerning the fight against crime in the railway environment;
- defining a common strategy as regards railway security;
- elaborating recommendations aimed at improving security levels in the railway environment and handling individuals' feelings of insecurity (customers as well as railway staff).

4. Italy's response to the increase in metal theft

In view of the particular socio-economic effects resulting from metal theft in general, and copper theft in particular, the Italian legislator adopted *ad hoc* legislation providing for specific aggravating circumstances linked to the theft and the handling and receiving of copper, metal components or other material stolen from infrastructures for power supply, transport, telecommunications or other public services which are managed by public/private entities under public concession schemes.

A National Observatory on copper theft was also set up with, inter alia, the following tasks:

- monitoring, assessment and analysis of the phenomenon,
- drawing up of proposals for proper prevention and countering strategies,
- adoption of initiatives aimed at implementing adequate legislative interventions, and
- promotion of *ad hoc* advertisement campaigns aimed at making the phenomenon more widely known.

5. Description of the Italian initiative on establishing a European operational network to counter metal theft

In the light of the above and as a follow-up to the actions already adopted at EU level to prevent, tackle and counter metal theft, the incoming Italian Presidency by presenting this document intends to encourage Member States to reflect on the possible added value for police cooperation which would result from a network of national contact points between Member States' police services and the other law enforcement authorities specifically responsible for this kind of investigation.

The network, the defining features of which would be effectiveness and informality, acting in direct cooperation with Europol, would provide police officers of member countries with a common platform for the knowledge, experiences, methods, specific investigative techniques and good practices acquired by specialist investigators who could be employed as advisors in the fight against this specific crime.

The Italian initiative to counter metal theft is therefore aimed at:

- establishing an operational network between Member States to share analysis and knowledge on copper theft and on the resulting harmful consequences for the community;
- sharing the good practices adopted by each Member State and monitoring the criminal groups involved in these phenomena in order to develop successful strategic and operational activities for countering metal theft;
- developing exploratory approaches for supporting Europol's risk assessment activity and, indirectly, the Union's internal security strategy in order to prevent and eliminate this phenomenon, including working out a common threat analysis method to be shared by all Member States.

The project, to the benefit of all Member States and supported by Europol and led by a Driver (Italy – Central Directorate of Criminal Police – Criminal Analysis Service) and two Co-Drivers from Member States that are strongly committed to the fight against metal theft.

The financial resources to support the participation of each Member State in the network could be supplied – for the seven-year period 2014-2020 – by the Internal Security Fund -1 (police cooperation).

The objectives of the network should be achieved through the drawing up of a work programme in line with the provisions of the Internal Security Fund -1.

The Work Programme and the periodic reports on its implementation should be submitted to LEWP and COSI.

In line with the guidelines of the LEWP in monitoring and steering networks related to the LEWP⁶, after five years of the functioning of the network, its activities and objectives and the needs for its further functioning would be evaluated by the LEWP.

6. Questionnaire

In order to collect information relevant to the debate on establishing a European network to counter metal theft, Member States are kindly requested to answer the questionnaire set out in the annex.

The answers should be sent to the following address by 15 July 2014:

Office: Direzione Centrale della Polizia Criminale

Servizio Analisi Criminale

Osservatorio nazionale sui furti di rame

Via Torre di Mezzavia 9/121

00173 Roma

Italia

Tel. 00390646542314, 00390646542086

Fax 00390646542406, 00390646542407

E-mail segreteriaofra@dcpc.interno.it

⁶ 9407/1/13.

**QUESTIONNAIRE RELATING TO THE ITALIAN INITIATIVE FOR ESTABLISHING
A EUROPEAN OPERATIONAL NETWORK TO COUNTER METAL THEFT**

| | |
|---|--|
| Member State | |
| Organisation | |
| Representative of the organisation | |

1. Within the police forces or law enforcement services in your country, are there specialist offices/units responsible for criminal intelligence and investigations relating to metal thefts and, in particular, copper theft?
 - Yes
 - No

2. With regard to metal theft in general, and copper in particular, have statistics been drawn up to detect the trend of these phenomena?
 - Yes
 - No

If you answered yes, how would you describe metal theft trends in the two-year period 2012-2013 and in the first semester of 2014?

- increasing
- decreasing
- steady

3. Do you have any statistical data on the fight against metal thefts?

- Yes
- No

If you answered yes, please indicate, for the two-year period 2012-2013 and the first semester of 2014:

- the number of persons reported
- the number of persons arrested

4. Do figures exist to quantify, at national level, the damage suffered by public service providers affected by a metal theft?

- Yes
- No

If you answered yes, please provide an estimate relating to the two-year period 2012-2013 and the first semester of 2014.

5. Is there an awareness as well as a mapping of the indirect damage caused by this kind of theft to the community?

- Yes
- No

If you answered yes, please provide general information.

6. What are the most serious inefficiencies caused by metal theft in your country?

Please provide a list.

7. Does your country's legislation provide for *ad hoc* rules or aggravating circumstances relating to metal theft?

- Yes
- No

8. Do law enforcement authorities in your country use specific investigative techniques to identify the structure and modus operandi of the criminal organisations engaged in metal theft and international trafficking?

- Yes
- No

If you answered yes, please specify the techniques.

9. Do forms of partnership with the private sector exist in your country for sharing information and strategies to prevent and counter this phenomenon?

- Yes
- No

If you answered yes, please specify.

10. Does your training system provide for specific training on the relevant investigation techniques?

- Yes
- No

11. Do you believe that the sharing of knowledge and investigative capabilities between the police officers responsible for the fight against metal theft, in particular copper theft, or the possible development of a common model of investigative activities could support the implementation of the EU Policy Cycle and the Council priorities in this field?

- Yes
- No

12. What added value could be provided to international police cooperation by a contact points network of police forces specialising in the fight against metal theft and supported by Europol?
13. Do you think that an operational network of police forces for the fight against metal theft, which would also act as a tool for the compilation of “best practices”, could lead to the identification of common priorities which would help to optimise existing cooperation mechanisms between Member States?
- Yes
 - No
14. Do you agree with the idea of establishing a European operational network of contact points between police forces, the defining features of which would be effectiveness and informality, possibly to be funded by the resources of the Internal Security Fund (Police Cooperation) for the seven-year period 2014-2020?
15. Further comments
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