



**Brussels, 5 September 2014  
(OR. en)**

**10593/1/14  
REV 1**

**ENFOPOL 165  
COSI 54**

**NOTE**

---

From: Presidency  
To: Law Enforcement Working Party  
Subject: Establishing a list of contact points responsible for countering metal theft

---

One of the goals of the Presidency is to strengthen law enforcement cooperation in countering metal theft and in particular copper theft. To this end, an exploratory discussion paper on establishing a European operational network to counter metal theft, including a questionnaire was submitted to the LEWP meeting of 16 July 2014.

Following the discussion at the LEWP on the basis of this exploratory discussion paper, and in the light of Member States' replies to the questionnaire showing their firm will to strengthen law enforcement cooperation in countering metal theft by resorting to the existing cooperation instruments in order to avoid duplication, delegations will find an updated proposal by the Presidency with changes underlined (on pages 7-8).

## 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 markets<sup>1</sup>;
- 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 crimes<sup>2</sup>;

---

<sup>1</sup> 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>).

<sup>2</sup> EP resolution T7(2013)0444, paragraph 113.

- 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 protection<sup>3</sup>;
- pointed out that cross-border crime can only be tackled by cross-border judicial and police cooperation between Member States<sup>4</sup>.

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 particular<sup>5</sup>:

- 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.

<sup>3</sup> EP resolution T7(2013)0444, paragraph 57.

<sup>4</sup> EP resolution T7(2013)0444, paragraph 63.

<sup>5</sup> SOCTA 2013, p. 25.

### **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.

#### **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](http://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. Proposal to create a list of contact points responsible for countering 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 and based on the Member States' contributions to the questionnaire and at the LEWP meeting of 16 July 2014, the (...) Presidency suggests to create a list of national contact points of Member States' police services and the other law enforcement authorities (...) responsible for countering metal theft. The existence of such a list would serve the purpose of facilitating cooperation and information exchange between the offices and investigators responsible for combating crime in this specific sector.

Moreover, the list of such contact points would facilitate the implementation of the relevant activities in the framework of the EU Policy Cycle as regards the crime priority on organised property crime as it will allow for immediately identifying the competent counterparts in order to acquire information, share best practices, suggestions and operational support in the field of countering metal theft.

In order to draw up the suggested list, Member States are invited to designate a national contact point responsible for countering metal theft and communicate the relevant details (responsible service, e-mail and phone number) by 30 October 2014 to the following email address: [lewp@consilium.europa.eu](mailto:lewp@consilium.europa.eu). The list of the national contact points will be regularly updated by the General Secretariat of the Council.

(...)

---