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NOTE

From:	Presidency
To:	Delegations
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Subject:	Draft Council Conclusions concerning the introduction of mandatory standardised marking of construction machinery and agricultural and forestry vehicles in order to better protect them against theft

Delegations will find enclosed the draft Council Conclusions concerning the introduction of mandatory standardised marking of construction machinery and agricultural and forestry vehicles in order to better protect them against theft, as agreed by the LEWP under the written silent procedure which ended on 8 June 2015.

Draft Council Conclusions concerning the introduction of a mandatory standardised marking of construction machinery and agricultural and forestry vehicles in order to better protect them against theft

THE COUNCIL OF THE EUROPEAN UNION,

CONSIDERING that the theft of construction machinery (earth-moving machinery and other heavy mobile construction equipment) and agricultural and forestry vehicles has become an expanding field for international cross-border crime causing annual financial damage;

TAKING INTO CONSIDERATION the fact that generally machinery and vehicles of this type are more valuable than passenger vehicles and that the loss of such vehicles can threaten a company's very existence;

BEARING IN MIND that the rapid and secure exchange of information between Member States is necessary to effectively fight the theft of this type of machinery and vehicles and to identify and positively match detected equipment;

TAKING ACCOUNT of the conclusions of the European Council of 26/27 June 2014¹ stating that it is essential to guarantee a genuine area of security for European citizens through operational police cooperation and by preventing and combating serious and organised crime;

¹ EUCO 79/14

TAKING NOTE OF:

- Commission Regulation (EU) No 19/2011 of 11 January 2011 concerning type-approval requirements for the manufacturer's statutory plate and for the vehicle identification number of motor vehicles and their trailers and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor², which require a 17-digit vehicle identification number for specified vehicles;
- Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)³;
- Council Conclusions on improving the detection of stolen vehicles in the Member States to tackle illegal cross-border vehicle trafficking, adopted on 2 December 2010⁴;
- ISO standard 10261:2002 providing for the possibility to use a standardised 17-digit product identification number (PIN) for earth-moving machinery on a voluntary basis;
- Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles⁵, its Delegated Regulation (EU) 2015/208⁶ and its Implementing Regulation (EU) 2015/504⁷ providing for the use of a structured 17-digit vehicle identification number (VIN) for type-approved agricultural and forestry vehicles;

² OJ L8, 12.1.2011, p. 1

³ OJ L 157, 9.6.2006, p. 24.

⁴ 16419/10 + COR 1 + COR 2

⁵ OJ L 60, 2.3.2013, p. 1

⁶ Commission Delegated Regulation (EU) 2015/208 of 8 December 2014 supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council with regard to vehicle functional safety requirements for the approval of agricultural and forestry vehicles (OJ L 42, 17.2.2015, p. 1)

⁷ Commission Implementing Regulation (EU) 2015/504 of 11 March 2015 implementing Regulation (EU) No 167/2013 of the European Parliament and of the Council with regard to the administrative requirements for the approval and market surveillance of agricultural and forestry vehicles (OJ L 85, 28.3.2015, p. 1)

NOTES that no general rule exists requiring construction machinery (earth-moving machinery and other heavy mobile construction equipment) and agricultural and forestry vehicles outside the scope of Regulation (EU) No 167/2013 to be marked with a standardised and unique identification number, nor any rule requiring the documentation of an identification number in the machinery documents;

NOTES that the cross-border search for stolen construction machinery (earth-moving machinery and other heavy mobile construction equipment) and agricultural and forestry vehicles which do not fall within the scope of Regulation (EU) No 167/2013, and the matching of detected vehicles or machinery, are made more difficult by the lack of legislation prescribing the marking of vehicles and machinery with a unique number based on the VIN or PIN system. In practice, vehicles and machinery are marked either insufficiently, incoherently, or not marked at all. Moreover, identification numbers are often not included in vehicle documents or are incomplete and therefore cannot be entered accurately into Europe-wide search systems in the case of machinery or vehicle theft;

EMPHASISES the importance of a layered approach in fighting vehicle crime and improving the search for stolen machinery or vehicles of this type;

CALLS UPON THE COMMISSION to take into account the results of an impact assessment and a cost-benefit analysis to the industry and public authorities in any consideration of a new legislative proposal on the mandatory marking with a unique identification number based on the VIN or PIN standard for construction machinery (earth-moving machinery or other bigger, mobile construction equipment) and agricultural and forestry vehicles outside the scope of Regulation (EU) No 167/2013, including the mandatory recording of the complete identification number in a preferably tamper-proof vehicle/machinery document;

INVITES MEMBER STATES, where appropriate via the CARPOL network, to cooperate with the Commission by providing, if necessary, relevant information on the volume of theft of construction machinery and agricultural and forestry vehicles outside the scope of Regulation (EU) No 167/2013 and related financial damages in the Member States, including the analysis in cooperation with Europol on work done under the Operational Action Plan against organised property crime in the framework of the EU Policy Cycle, as well as data on the costs and benefits of action in order to contribute to the aforementioned impact assessment.
