

ISSN 2785-5228



EUWEB

EU-WESTERN BALKANS

Cooperation on Justice and Home Affairs



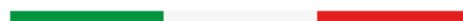
EUWEB Legal Essays
Global & International Perspectives
Issue 1/2024

EDITORIALE
SCIENTIFICA

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.



**Co-funded by
the European Union**



**Ministero degli Affari Esteri
e della Cooperazione Internazionale**

EDITOR-IN-CHIEF

Teresa Russo, University of Salerno (Italy)

MANAGING EDITOR

Ana Nikodinovska Krstevska, University “Goce Delčev” of Štip (North Macedonia)

ASSOCIATED EDITORS

Francesco Buonomenna, University of Salerno (Italy)

Gaspere Dalia, University of Salerno (Italy)

Erjon Hitaj, University of Vlore “Ismail Qemali” (Albania)

Rossana Palladino, University of Salerno (Italy)

EDITORIAL COMMITTEE

Giuseppe Cataldi, University of Naples “L’Orientale” (Italy)

Angela Di Stasi, University of Salerno (Italy)

Elżbieta Feret, University of Rzeszów (Poland)

Pablo Antonio Fernández Sánchez, University of Sevilla (Spain)

Olga Koshevaliska, University “Goce Delčev” of Štip (North Macedonia)

Pietro Manzini, Alma Mater Studiorum University of Bologna (Italy)

Nebojsa Raicevic, University of Niš (Serbia)

Giancarlo Scalese, University of Cassino and Southern Lazio (Italy)

Anna Lucia Valvo, University of Catania (Italy)

Jan Wouters, University of KU Leuven (Belgium)

SCIENTIFIC COMMITTEE

Paolo Bargiacchi, KORE University of Enna (Italy)

Ivana Bodrožić, University of Criminal Investigation and Police Studies, Belgrade (Serbia)

Valentín Bou Franch, University of Valencia (Spain)

Elena Crespo Navarro, University Miguel Hernández Elche (Spain)

Luigi Daniele, University of Roma Tor Vergata (Italy)

Jordi Nieva Fenoll, University of Barcellona (Spain)

Luigi Kalb, University of Salerno (Italy)

Anja Matwijkiw, Indiana University Northwest (United States of America)

Massimo Panebianco, University of Salerno (Italy)

Ioannis Papageorgiou, Aristotle University of Thessaloniki (Greece)

Nicoletta Parisi, Catholic University of the Sacred Heart of Milan (Italy)

Francisco Pascual Vives, University of Alcalà, Madrid (Spain)

Dino Rinoldi, Catholic University of the Sacred Heart of Milan (Italy)

REVIEWING COMMITTEE

Ersi Bozheku, University of Tirana (Albania)

Marco Borraccetti, University of Bologna (Italy)

Federico Casolari, University of Bologna (Italy)

Francesco Cherubini, University of Luiss Guido Carli, Rome (Italy)

Jasmina Dimitrieva, University “Goce Delčev” of Štip (North Macedonia)

Miroslav Djordjevic, Institute for Comparative Law, Belgrade (Serbia)

Jelena Kostić, Institute for Comparative Law, Belgrade (Serbia)

Ivan Ingravallo, University of Bari “Aldo Moro” (Italy)

Elena Maksimova, University “Goce Delčev” of Štip (North Macedonia)

Daniela Marrani, University of Salerno (Italy)

Francesca Martinez, University of Pisa (Italy)

Marina Matić Bošković, Institute of Criminological and Sociological Research, Belgrade (Serbia)

Heliona Miço, EPOKA University of Tirana (Albania)

Pietro Milazzo, University of Pisa (Italy)

Stefano Montaldo, University of Turin (Italy)

Giuseppe Morgese, University of Bari “Aldo Moro” (Italy)
Niuton Mulleti, EPOKA University of Tirana (Albania)
Amandine Orsini, Université Saint-Louis, Brussels (Belgium)
Mario Panebianco, University of Salerno (Italy)
Leonardo Pasquali, University of Pisa (Italy)
Christian Ponti, University of Milano (Italy)
Valentina Ranaldi, University “Niccolò Cusano” of Rome (Italy)
Fabio Spitaleri, University of Trieste (Italy)
Ismail Tafani, University of Barleti (Albania)
Maria Torres Perez, University of Valencia (Spain)
Paolo Troisi, University of Rome Tor Vergata (Italy)

EDITORIAL ASSISTANTS

Stefano Busillo, University of Salerno (Italy)
Miriam Schettini, University of Pisa (Italy)
Gabriele Rugani, University of Pisa (Italy)
Emanuele Vannata, University of Salerno (Italy)
Ana Zdraveva, University “Goce Delčev” of Štip (North Macedonia)

Rivista semestrale on line EUWEB Legal Essays. Global & International Perspectives

www.euweb.org

Editoriale Scientifica, Via San Biagio dei Librai, 39 – Napoli

Registrazione presso il Tribunale di Nocera Inferiore n° 5 del 23 marzo 2022

ISSN 2785-5228

Index
2024, No. 1
MONOGRAPHIC ISSUE
“Promoting Cooperation for the Protection of Migrants’ Rights and the Fight Against
Transnational Crimes”

PREFACE

Ana Nikodinovska Krstevska, Teresa Russo 7

ESSAYS

Olga Koshevaliska, Ernis Isamatov
*Unravelling the Impact of Xenophobia and Hate Crimes on the Human Rights of
Migrants and Asylum Seekers* 10

Elena Maksimova
*Cooperation for the Protection of the Rights of Female Migrants: Prevention of
Gender-Based Violence During Migration* 19

Eugenio Zaniboni, Paolo Cestra
*International and European Police Cooperation Against Trafficking of Stolen
Vehicles* 35

CONFERENCE SPEECHES

“Promoting Public Awareness of the Fight Against Transnational Crimes, the Role of
Police and Judicial Cooperation and Respect for Fundamental Rights”, Faculty of Law,
University of Donja Gorica (UDG, Podgorica, Montenegro), 20 June 2023

Ivana Jelić
Foreword 53

Teresa Russo
*The Evolution of European Criminal Competence in the Fight Against
Transnational Crime* 55

Johann Wagner
*Criminalistics and Criminal Justice Aspects of Proving and Solving Criminal
Offences* 67

Jelena Đurišić
Organised Criminality 79

Jelena Đaletić
Montenegro and the Eurojust 82

Ognjen Mitrović
International Judicial Cooperation in Criminal Matters in Montenegro 84

Nikola B. Šaranović <i>Free Movement of Crime</i>	87
Mladen Vukčević <i>Respect for Human Rights and the Concept of Transnational Organised Crime (Challenges in the Rule-of-Law Field)</i>	89
Milorad Marković <i>Searching for a Just Balance</i>	97

INTERNATIONAL AND EUROPEAN POLICE COOPERATION AGAINST TRAFFICKING OF STOLEN VEHICLES

by *Eugenio Zaniboni** and *Paolo Cestra***

SUMMARY: 1. Introduction. – 2. Object of the Research. – 3. Quantitative Extent of the Problem of Stolen Vehicles in the European Union and its Social-Economic Consequences. – 4.1. The Main EU Actors Involved: Europol. – 4.2. The CARPOL Network. – 4.3. FRONTEX – 4.4. The Prüm Framework and its Role in the Fight Against Trafficking in Stolen Vehicles. – 4.5. European Car and Driving License Information System (EUCARIS) – 5. Determining the Appropriateness and Viability of Categorizing “Vehicle Theft” as a Serious Crime under art. 83 TFEU. – 6. Future Legal and Operational Developments. – 7. Conclusions and Recommendations.

1. Introduction

“Vehicle crime” is the term usually referred to the theft and trafficking of vehicles and the illicit trade in spare parts. The organised theft of motor vehicles has remarkable financial implications for insurance companies, is damaging to the reputation of car manufacturers and in most cases, as we will better see below, is linked to other organised crime operations. It also puts drivers in danger as illicit spare parts are likely to fall below recognized safety standards.

In recent years, the use of the Internet has contributed to a dramatic increase in the resale of illicit vehicle components, making this an issue of major concern for law enforcement, car manufacturers, regulatory bodies and public health organizations across the world. Seaports often represent the crossroads of trafficking illicit vehicles, the logistical points where the same, inside of containers, can travel all the international routes.

For organised criminal groups, the acquisition, shipment, and trade of stolen vehicles is a low-risk way to make profits. Freedom of circulation and a sharp decrease in chances of being subjected to border checks in Europe contributed to an increase in demand for vehicles and, to some extent, became a new opportunity for profit exploited by criminal networks.

Stolen vehicles are frequently trafficked in order to finance and carry out other criminal activities, ranging from drug trafficking, arms dealing, people smuggling and international terrorism. In this respect, today more than ever, activities to fight and combat this phenomenon need investigative actions that go beyond the national borders. The European Union (EU) can be a relevant Actor in police and judicial cooperation with

DOUBLE BLIND PEER REVIEWED ARTICLE

* Adjunct Professor in International Law and European Law, University of Foggia (Italy). Cepol Expert Trainer. E-mail: eugenio.zaniboni@unifg.it.

** Italian National Police First Executive Officer, Department of Public Security, Ministry of Interior; Ph.D. Candidate – Universidad Nacional de Educacion a Distancia de Madrid (Spain). E-mail: paolo.cestra@uniroma1.it; pcestral@alumno.uned.es.

Contribution statement: the article is the result of a common research and reflection of the Authors. However, paras. 1, 2, 4.3., 4.4., 4.5., 5, and 7, must be attributed to E. Zaniboni, while paras. 3, 4, 4.1., 4.2., and 6, must be attributed to P. Cestra.

many Third States, such as for instance North African Countries and the Western Balkans, which are often the destinations of many of the vehicles stolen in Europe. According to INTERPOL, cars stolen in Europe are sometimes found as far away as on other continents, like South America or Australia. In some cases, the vehicles are abandoned in remote locations, often in neighbouring EU Member States (MS)¹. European policy and legal changes would positively impact the illegal exporter advantage. Moreover, advanced standards of police cooperation with Third Countries plays an essential role in reducing the phenomenon at the international level. Therefore, it seems interesting to conduct research that, starting from the analysis of the phenomenon in its current legal and operational framework in the Union, also considers possible future developments for improving international and European cooperation.

2. Object and Methodology of the Research

The present investigation is going to analyse the phenomenon from the legal point of view and from the point of view of the (improving) framework of European law enforcement cooperation. The final aim is to try to make a contribution to finding the most fruitful legal ways to combat it, even on the international law level, reducing its illegal effects and criminal consequence². The research is normative, but it is also conducted with an operational look at the problems at stake. It aims first to conduct a survey of the varied and non-homogeneous regulatory framework of the Union, highlighting the difficulties of implementing in the EU system some intergovernmental treaties (for example, the Prüm Treaty and EUCARIS).

Then it intends to verify the state of the art of the specific cooperation on the field, also highlighting gaps in the system and suggesting possible corrective measures aimed at obtaining better results from a strategic and operational perspective.

Finally, based on the results of the activity carried out, the research will offer some prospects for the development of police cooperation in European Union law in order to counteract the phenomenon. It proposes, therefore, a pattern for better synergistic and coordinated common actions both in theory and on the field, which is supposed to have an interesting impact on the further implementation of the European Area of Freedom, Security and Justice (AFSJ), since that it explores the room for maneuver for a possible amendment of Art. 83 of the Treaty on the Functioning of the European Union (TFEU), provision for approximating substantive criminal law, meaning establishing minimum rules concerning the definition of criminal offences. On the practical field, the research will finally suggest adopting a broader concept of road surveillance, inclusive of new tasks and competence and of all the actors at stake.

3. Quantitative Extent of the Problem of Stolen Vehicles in the European Union and its Social-Economic Consequences

¹ FRONTEX, *Risk analysis 2023-2024*, 2023, https://www.frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/ARA_2023.pdf.

² P. CESTRA, *Road Policing. A New Concept*, 2020. See also P. CESTRA, E. ZANIBONI, "Road Policing" as European Union Challenge, in *European Law Enforcement Research Bulletin*, Vol. 22, 2023, pp. 145-155; B. SIMONE, *Il furto dei veicoli stradali. Analisi e tecniche investigative*, 1998, pp. 207.

The trafficking of stolen vehicles is one of the main crimes affecting the EU³. Organised crime groups (OCGs) are gaining high and immediate income from the enormous value of stolen vehicles⁴. According to available data, in the European Union Member States each year, are stolen about 1,970 vehicles per day, or 80 every hour⁵, with a commercial value of about 6.5 billion euros⁶.

In the past, investigations related to these particular crimes were not on the top of the Law Enforcement officers. The Road Police Investigation Teams were often understaffed, but each citizen has had the car stolen, when he comes to complain to the Police Office, he thinks that this crime is the most important in the world and is asking for effective measures to counter it and criminal prosecutions of the offenders.

That traditional landscape is quickly changing. Nowadays, theft vehicles are increasingly organised on a large scale. Especially when it crosses the boundaries of domestic offense resources and trafficking and criminal groups are growingly organised as multinational enterprises, the cooperation among European Law Enforcement Authorities is tackling seriously the threats. For example, in 2015, a joint European operation called “Jpo Itacar” dealt a severe blow to international high-end and luxury vehicle traffickers. During the three-day operation, aimed at tackling stolen vehicle trafficking with the participation of all 28 EU Member Countries, coordinated by the Italian Traffic Police Service, the European MS Police Officers worked simultaneously, performing checks and inspections in ports, at border crossings, along those motorways mostly used as trafficking routes, as well as at car rentals and repair shops. Thanks to the “Jpo Itacar” operation 323 cars were retrieved with an estimated value of over 5 million euros, 469 people were arrested and 1,713 were reported to the judicial authorities.

Although in many EU Countries motor-vehicle related crimes are still not a national security priority, a significant effort is being made through different EU programs such as SOCTA, MOCG and EMPACT. In many cases, stolen motor vehicles have been used as “vehicles” for other criminal activities (money laundering, bank robberies, human trafficking) that are causing social concern⁷. Motor vehicles can also be used for different purposes, as confirmed by the terrorist attacks in Nice and Berlin in 2016 and London, Antwerp, Barcelona and Stockholm in 2017, where terrorists used previously stolen commercial vehicles turned into weapons by kidnapping and taking them against the crowd⁸.

The trafficking of stolen vehicles, in addition, constitutes a significant reference in relation to the possible synergy between Police Officers at the National and pan-European level⁹. Stolen vehicle trafficking is one of EUROPOL’s fields of intervention and investigation. A strong and reliable cooperation is also crucial in order to uncover the different methods by which traffickers circumvent registration and licensing requirements and avoid detection at customs and border checkpoints.

³ A. SCHERRER, J. JEANDESBOZ, E.P. GUITTET, *Developing an EU Internal Security Strategy, Fighting Terrorism and Organised Crime*, study commissioned by the European Parliament, 2011,

⁴ D. BIGO, E. BROUWER, E. CARRERA, E. GUILD, E.P. GUITTET, J. JEANDESBOZ, F. RAGAZZI, SCHERRER A., *The EU Counter-Terrorism Policy Responses to the Attacks in Paris: Towards an EU Security and Liberty Agenda*, in *CEPS Papers in Liberty and Security in Europe*, No. 81, 2015; cfr. S. BISCOP, *Global and Operational. A new strategy for EU Foreign and Security Policy*, in *International Affairs Institute Working Pages*, No. 15, 2015.

⁵ CARPOL, *Annual Report on Stolen Vehicles Trafficking in EU*, 2017.

⁶ EUROSTAT, *Statistics on motor vehicles theft*, 2017.

⁷ F. LAI, *Contrasting Transnational Organised Crime in EU*, 2018.

⁸ CARSEC, *Annual Report 2017*, 2018

⁹ EUROPOL, *An overview on motor vehicle crime from a European perspective*, 2014. See also the press release of EUROPOL, *28 EU Member States joint forces combating vehicle crime*, of 14 October 2014.

As can be deduced from the above, the trafficking of stolen vehicles is an important part of general crime and a branch within criminal organizations. Establishing the extent of cross-border activities related to vehicle theft is essential for assessing the viability of new legal options under EU law and future ways of enhanced cooperation. In general terms, there are rich data readily available on vehicles and vehicle theft. Car thefts are more reliably reported to the police than most other crimes. Comprehensive data about stolen cars are published by insurance agencies. In all developed countries, detailed records are maintained of vehicles fabricated, imported, sold, and circulating. Industry and governments also routinely produce data about the characteristics of the vehicle fleets in the various countries. According to some scholars, for no other form of transnational crime would it be possible to draw on data of this quality¹⁰.

Results in the EU MS 720,000 motor vehicles are stolen every year, with a commercial value of around EUR 6.5 billion¹¹. A large proportion of these thefts (30% to 40%) are linked to organised crime, with the vehicles converted and exported to other states inside and outside the EU¹².

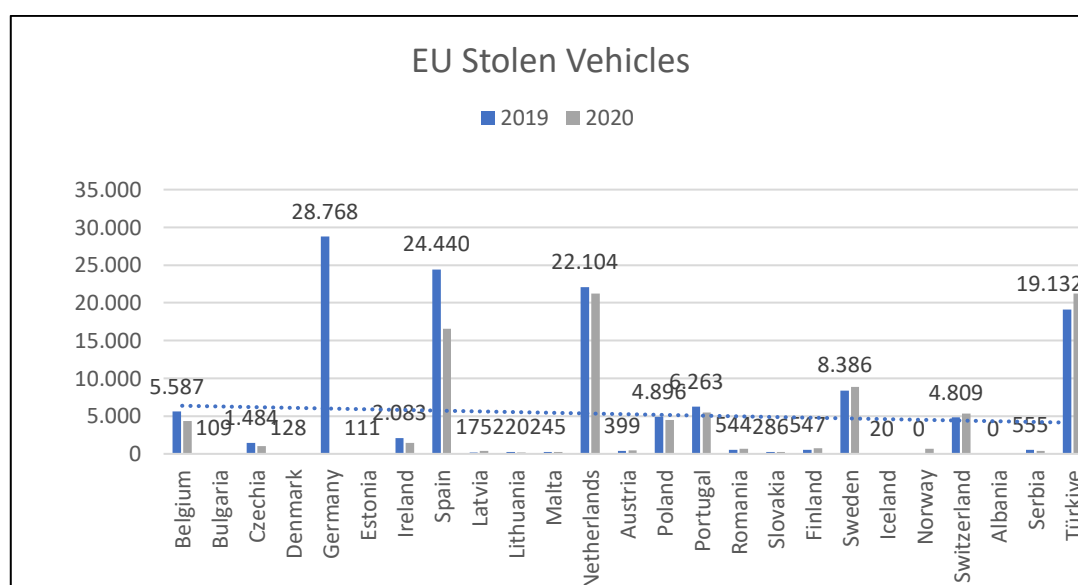


Table 1. EU Stolen Vehicles years 2019 and 2020 (Source Eurostat[®]).

¹⁰ R.V. CLARK, R. BROWN, *International Trafficking in Stolen Vehicles*, in M. TONRY (ed.), *Crime and Justice*, Chicago, 2003, pp. 197-227.

¹¹ EUROSTAT, *Statistics*, cit.

¹² EUROPOL, *EUROPOL Review – Annual Report 2016, 2017*.

INTERNATIONAL AND EUROPEAN POLICE COOPERATION AGAINST TRAFFICKING OF STOLEN VEHICLES

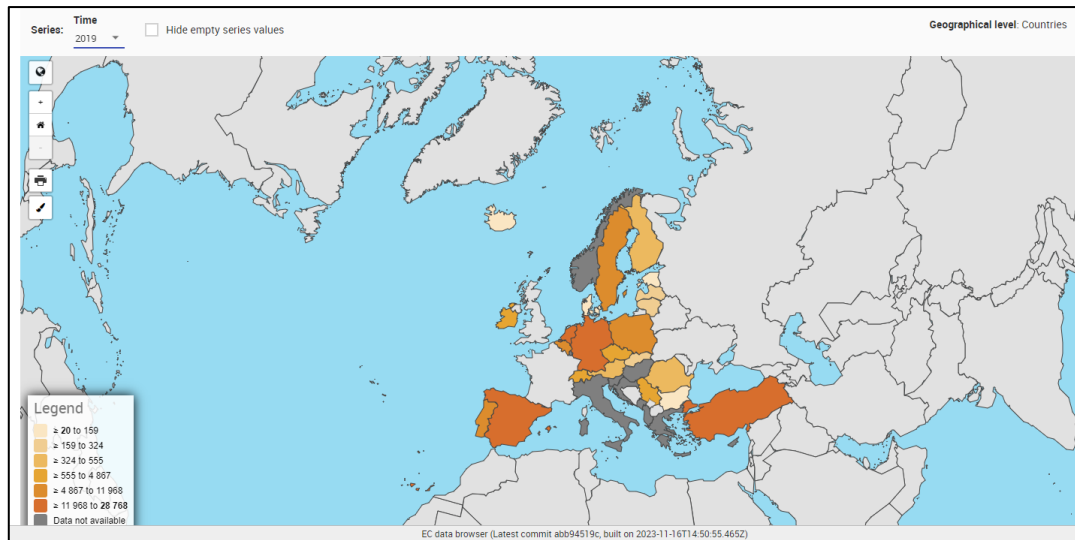


Table 2. EU Stolen Vehicles year 2019 density in Member States (Source Eurostat[®]).

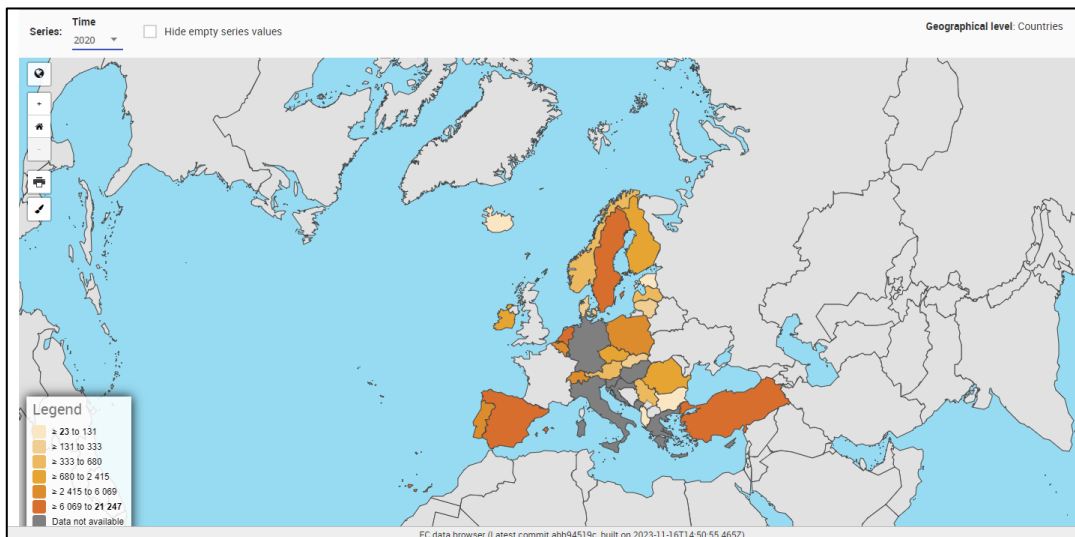


Table 3. EU Stolen Vehicles year 2020 density in Member States (Source Eurostat[®]).

The economic damage caused by motor crimes is relevant, as is, or even more the limited public perception of the safety felt by European citizens, suffering from limitations on freedom of movement and property rights, and the EU is particularly committed to specific prevention activity. More recently, we have seen a slight decrease in vehicle thefts, in particular, in the main EU manufacturing Countries. This may be due to the intensification of police investigations and activity efforts, the improvement of security systems and because of incoming market saturation¹³. Although the total number of stolen vehicles recycled in Western Europe has decreased, it appears that the incidence of organised international vehicle traffic crime networks is increasing.

A large proportion of these thefts (30-40%), indeed, are connected to criminal organizations, able to “*launder*” the vehicles and export them inside and/or outside the EU¹⁴. Typically, OCGs obtain identifying data about potential vehicles to steal and about their owners from MS public vehicle records and use this data to create falsified documents to be adopted after vehicle theft.

¹³ P. CESTRA, *Road Policing*, cit.

¹⁴ EUROPOL, *Annual Report 2016*, cit.

Allowing vehicles for freedom of circulation, the rules of the European Union legal system, and particularly those about the development of a single European market, had an impact on the increasing numbers of vehicle thefts in Europe. This could be largely due to some changes in political structures and the elimination of border controls between EU MS¹⁵. OCGs already involved in the theft and trafficking of motor-vehicles¹⁶, indeed, can transport stolen vehicles from one MS to another, as well as to third Countries with minimal risk¹⁷.

Information, statistics and research reports from the EU Police Forces indicate that motor vehicle-related crimes are moving even outside the Schengen area, including Western Balkan Countries. The availability of the global market for high-tech electronic devices, along with illegal financial resources, allows organised crime groups to evade the sophisticated active and/or passive anti-theft devices installed by automobile manufacturers. Then, using false documents, including the license plate of the vehicle and insurance, criminal groups create new certificates on legitimate vehicles replacing the original documentation of stolen vehicles. In addition to changes in the original vehicle number plate, other factors affecting the detection of such thievery are dismantling and mismatching the parts of the vehicle, and alteration in the original vehicle colour. The result is, therefore, that “*cloned vehicles*” can circulate in the European Union and fool possible Police checks before they are finally exported abroad, specifically to North Africa and Southeast Asia, as well as the Middle East through the Western Balkans¹⁸.

4. The EU Strategy to Fight Trafficking in Stolen Vehicles

In the past, the fight against vehicle theft was mainly left to national efforts and independent of any single national action. Then, it rapidly became a priority for collaboration and cooperation between the Police Forces of the EU MS, as well as one of the fields EUROPOL’s most important action plans. It is also worth to emphasizing that criminals often use expensive assets, including cars, boats and luxury goods to disguise illegal funds and later convert them into clean cash. Such purchases give criminals the opportunity to legitimise significant amounts of money in a single transaction. When using cash as a means of payment, the funds are deposited into the mainstream financial system, removing the footprints of the transaction and complicating the ability to trace the source of wealth at purchase.

Recent experience has highlighted the need for a faster exchange of information in the specific sector, capable of overcoming, where and if necessary, the possible procedural and bureaucratic barriers that the current structure of police cooperation at the European level continues to put against criminal activity.

The Lisbon Treaty provides legal and practical tools to operationalize cooperation between the different law enforcement agencies and police forces of the MS¹⁹. In this framework, the Commission adopted on 28 April 2015 the “European Security Agenda” and communicated its content to Parliament, the Economic and Social Committee and the

¹⁵ EUROSTAT, *Statistics*, cit.; EUROPOL, *Annual Report 2016*, cit.

¹⁶ EUROSTAT, *Statistics*, cit.; EUROPOL, *Annual Report 2016*, cit.

¹⁷ P. CESTRA, *Legal Aspects of Police Cooperation in Cross-Border Enforcement of Traffic Offences in the European Union*, in *Public Security and Public Order*, Vol. 21, 2018, pp. 26-39.

¹⁸ EUROPOL, *Annual Report 2016*, cit.; P. GOUNEV, V. RUGGIERO (eds.), *Corruption and Organised Crime in Europe. Illegal Partnerships*, 2012.

¹⁹ EUROPOL, *EU organised crime threat assessment: OCTA 2011*, 2011.

INTERNATIONAL AND EUROPEAN POLICE COOPERATION AGAINST TRAFFICKING OF STOLEN VEHICLES

Committee of the Regions²⁰. The Agenda aims to maintain the availability of cross-border tools at the EU level to support operational cooperation.

Joint Police Operations (JPOs) in this field provide a ready framework for stronger cooperation between MS, established for a fixed period to investigate specific cases, becoming an effective tool that should be used more regularly and systematically by the appropriate Law Enforcement Agencies. When criminal cases have an international dimension, MSs should take advantage of the possibility of involving third countries in JPOs.

On 27 March 2017, the Council decided to continue the EU policy cycle with a specific role for EMPACT, the European multidisciplinary platform against criminal threats to fight organised and serious international crime, also for the future and further²¹.

EMPACT aims to contribute to addressing the most significant threats posed to the EU by serious and organised international criminal organisations, in a coherent and methodological manner, by improving and strengthening cooperation between the relevant LEAs of the MS, Institutions of the EU and EU Agencies, as well as with third countries and organisations, including the private sector where relevant (DOC.14518/12, 2012).

During the meeting of 18 May 2017, the European Council adopted specific priorities for the fight against organised and serious international crimes (Doc. 9453/17 (OR.en), 2017) to focus on the fight against trafficking in stolen vehicles OCGs, carrying out organised robberies and vehicle thefts throughout the EU. This should include OCGs, using new technologies or improved countermeasures that exploit the interoperability of cross-border surveillance tools and increasing operational cooperation²².

Through EMPACT, MS Authorities coordinate common priorities and operational actions with an intelligence-led approach to internal security, based on joint threat assessments, coordinated within EUROPOL. It addresses available resources, in view of immediate, medium and long-term security threats and risks. MS should make more use of EMPACT to launch concrete police operations to tackle organised crime, including closer cooperation with third countries.

EU Council Resolution 2017/C of 18 January 2017 suggests to the competent Authorities of MS to establish a Joint Investigation Teams (JITs) with the competent authorities of other MS, in accordance with the terms of the Framework Decision and the Convention, or of non-EU States, on the basis of relevant international instruments²³.

In accordance with the Council document establishing the Network of National Experts in Joint Investigation Teams (the JIT Network), the role of national experts is to facilitate the work of MS professionals, in association with EUROPOL and EUROJUST, in its JIT support role.

JITs are available for immediate activation and operation, which can assist national police forces in specific operations in the territory, placing common knowledge at the European level as a common factor. JITs are now an efficient and effective cooperation tool established between national investigation agencies in tackling cross-border crime. They facilitate the coordination of investigations and prosecutions carried out in parallel in several States.

²⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *The European Agenda on Security*, of 28 April 2015, COM 2015/185 final.

²¹ Report from the Commission to the European Parliament, the European Council and the Council, *Sixth progress report towards an effective and genuine Security Union*, 12 April 2017, COM(2017) 213 final.

²² P. CESTRA, *Legal Aspects*, cit.

²³ EUROPOL, *Annual Report 2016*, cit.

4.1 The Main EU Actors Involved: Europol

The particular role of EUROPOL is played in this context exclusively through the employability of the JIT and the usability of the SIENA System to obtain, through formal channels, information related to the controlled vehicles²⁴.

It is appropriate to involve JITs in operations related to the illegal trafficking of stolen vehicles, but at the moment, this specific field of activity is not a priority for the JIT Network in its support role²⁵.

The trafficking of stolen vehicles constitutes a significant reference in relation to the possible effectiveness of the Joint Investigation Teams (JIT) contemplated in the EUROPOL context, where the synergy between operators at the national and pan-European level makes it possible, if structured, and effectively used, to obtain the appropriate balance between information activities, investigations and operational activities in the field²⁶.

Recent experience, however, has highlighted the need for more rapid information exchange in the specific sector, capable of overcoming, where and if necessary, the possible procedural and bureaucratic barriers that the current structure of police cooperation at the level of the European Union²⁷.

4.2 The CARPOL Network

On December 17, 2004, Council Decision 919/2004 established CARPOL, a network of contact points for law enforcement agencies on stolen vehicles.

According to this Decision, from 30 March 2005, MS must designate, within their law enforcement authorities, contact points for exchanging information on the fight against vehicle-related crime. Behind that decision was the need for an immediate exchange of information and the opportunity to harmonize law enforcement at the European level, including through the implementation of periodic JPOs, which can combat the phenomenon more effectively²⁸.

Greater direct cooperation between MS is necessary, which could accelerate the flow of information and harmonize possible interventions, both at the level of the MSs and at the level of the EU as a whole²⁹.

CARPOL focuses mainly on political issues, while EUROPOL already deals with operational issues and the agenda items focus not only on law enforcement policy, but also on political issues that need to be answered by other parties in the EU's broader vehicle crime framework. Therefore, CARPOL has taken the initiative to establish a

²⁴ G. MEŠKO, *Police Cooperation in the European Union, Supported by Strengthening the EU Internal Security's External Dimension*, in *European Journal of Crime, Criminal Law and Criminal Justice*, Vol. 25, No. 2, 2017, pp. 109-121.

²⁵ E. CAPE, Z. NAMORADZE, R. SMITH, T. SPRONKEN, *Effective Criminal Defence in Europe. Ius Commune: European and Comparative Law*, 2007.

²⁶ F. LAI, *op. cit.*

²⁷ P. CESTRA, *Road Policing*, cit.; F. LAI, *op. cit.*

²⁸ A. SCHIOPU, F. BOBIN, *European Agenda on Security for 2015-2020. Instrument Supporting the Joint Action of the Member States Against the New Challenges*, in *European Journal of Public Order and National Security*, Vol. 2, No. 6, 2015, pp. 33-36.

²⁹ Council, *Overview LEWP Networks/Expert Groups*, cit.

platform for public-private partnerships at the EU level³⁰. CARPOL contributes to the analysis of data collected by all EU MS, as input for EMPACT and EUROPOL's SOCTA, in a promising perspective for a new 'chain approach' and with full synergy in public-private partnerships³¹.

Achieving the objective set out in art. 29 TEU, CARPOL provides citizens with a high level of security within an area of freedom, security and justice, addressing "motor vehicle crimes"³². However, the network addresses cross-border aspects of vehicular crime and seeks to improve cooperation within the EU with the aim of preventing and combating cross-border vehicular crime (DOC.14407 / 16 LEWP, 2016).

MS enhance mutual cooperation between competent national authorities, to facilitate rapid repatriation procedures for seized vehicles, designate contact points to address cross-border vehicle-related crimes, involving the exchange of a wealth of information and also alert periodically, whenever a vehicle is reported stolen, for entry into the Schengen Information System (SIS) and, where possible, into INTERPOL's Stolen Motor Vehicles database, taking the necessary measures to improve cooperation:

- a) between National Authorities competent to combat cross-border vehicular crime;
- b) between the competent Authorities and representatives of the private sector (such as holders of private registrations of missing vehicles, insurers and the motor trade) in order to coordinate information and action in this field.

MS pay particular attention to export control and expediting the rapid repatriation of recovered stolen vehicles.

Ultimately, national police forces and competent authorities keep EUROPOL informed about the perpetrators of vehicle crimes³³.

CARPOL cooperates with other agencies and organizations for specialized training in the field of the prevention and detection of vehicular crimes³⁴.

Particular attention is paid to the link between vehicular crime and other forms of organised crime, such as drug, firearm and human trafficking.

Experience in the fight against vehicle-related crimes confirms that this type of crime has an international dimension and is committed by organised criminal groups.

To obtain the best results and harmonize police activity on the ground, under the authority of CARPOL, several Joint Police Operations (JPOs) have been organised over the last five years (Doc. 884/14). The JPOs are organised in cooperation with EUROPOL and the Control Room is based at the EUROPOL headquarters.

The objectives of the JPOs, headed by the MS in charge of the temporary Presidency of the Council of the EU, are to: location and seizure of stolen vehicles; fights trafficking in stolen vehicles, focusing on high-value cars and agricultural/construction machinery; strengthening the police network and the exchange of information between specialized units of the European police in the prevention of vehicle-related crimes (operations room); strengthen cooperation between other law enforcement agencies and interested parties; survey and analysis of stolen vehicle trafficking routes; recognition and analysis of technical equipment used to steal or falsify chassis numbers, registration plates, registration documents and other types of vehicle identity manipulation. Special attention will also be paid to the so-called "high-tech" *modus operandi*, which refers to the use of specific technical devices to steal high-value vehicles; the prevention of crimes related to motor vehicles; the verification of new *modi operandi* and smuggling routes, as well as

³⁰ CARPOL, *Report*, cit.

³¹ Council, *Overview LEWP Networks/Expert Groups*, cit.

³² *Ibidem*.

³³ P. CESTRA, *Road Policing*, cit.

³⁴ CARSEC, *Report*, cit.

identification of possible criminal links; report results and provide recommendations based on the findings of a single JPO.

In this scenario, the most effective joint police action is based on close and effective cooperation between European police forces specialized in trafficking in stolen vehicles and other law enforcement agencies, also at the EU level (ROADPOL, FRONTEX, INTERPOL, etc.) and can constitute real added value to investigative action in this specific field (Doc. 7641/15).

When road transport involves criminal activities, common actions at the operational level are also considered beneficial to exchange best practices and align the activities of MS police forces.

Within this framework, effective police cooperation at EU level in the specific field focuses on increase trust and facilitate communication through an informal bottom-up approach and the exchange of technical and operational knowledge that leads to the integration of behaviours. That continuous exchange of experiences and best practices brings, in turn, valuable results in terms of developing effective partnerships that contribute to maximizing potential synergies, helping to mediate the different interests and, last but not least, finding practical solutions to road safety problems.

At the operational level, national traffic Police Officers can benefit from synergies between operations and specific training, perceived as key activities leading to changes in practices or policies.

During JPOs, a significant number of violations of specific regulations were recorded, attributable to the Road Policing Activity (RPA), an aspect of road policing linked to road crime.

It is interesting to note that, as controls and participation in activities increase, the number of violations not specifically related to traffic, but more generally to crime, tends to decrease in recent years.

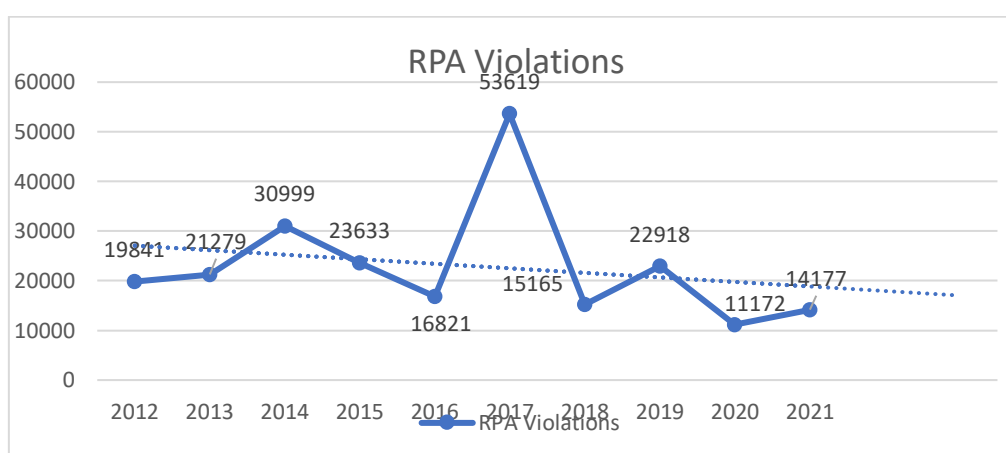


Figure 4: Road Policing Activities violations in PECBOs. (Source: ROADPOL)

4.3 FRONTEX

Frontex is a player gaining growing importance on field, since motor vehicle crime continues to have a great impact on the EU's land borders, and, above all, Eastern land borders. Criminals have recently tried to take advantage of the massive number of people who have been streaming across EU borders following the outbreak of war in Ukraine.

They have used this “opportunity” to drive stolen cars out of the EU³⁵. According to Frontex motor vehicle crime detection officers, “*detecting stolen cars is a race against time*”. Criminal gangs involved in car theft across Europe often try to get stolen cars out of the EU before they can even appear in an international database. Moreover, they constantly change their methods to avoid detection. For example, they often strip vehicles into parts to make it easier to move them across borders, and hardest to track them.

Frontex deploys 92 motor vehicle crime detection officers and 177 document experts to its operations. In a Frontex-led operation across Europe, in October 2023, have been recovered 505 stolen cars and nearly 2,000 stolen vehicle parts. Last year, national authorities reported to Frontex the seizure of 670 stolen cars. 416 of them were detected in Frontex joint operations – twice as many as the previous year.

4.4 The Prüm Framework and Its Role in the Fight Against Trafficking in Stolen Vehicles

The Prüm Framework, officially known as the Prüm Decisions, is an international agreement signed by several EU MS with the primary goal of enhancing cross-border cooperation in the fight against serious crime, terrorism, and illegal immigration. It was established outside the formal EU legal framework, allowing willing MS to participate in specific measures of cooperation. The Prüm Framework encompasses various areas of collaboration, including the exchange of DNA profiles, fingerprint data, and other biometric information enabling law enforcement agencies to compare and match data across borders.

The Prüm Framework includes provisions for the exchange of data related to stolen vehicles, contributing to the fight against vehicle theft and trafficking. It has proven instrumental in enhancing the effectiveness of criminal investigations, particularly in cases involving transnational criminal activities. Beyond aiding in investigations, the Prüm database plays a preventative and deterrent role. Awareness that law enforcement agencies have access to a comprehensive database act as a deterrent for potential criminals engaged in vehicle theft. The proactive use of the database contributes to preventing the illicit movement of stolen vehicles across EU territories. The Prüm database of information related to vehicles, indeed, creates a comprehensive repository that aids in the identification and tracking of individuals involved in vehicle theft. The database’s automated search and matching capabilities significantly enhance the efficiency of law enforcement operations. By automating the comparison of biometric and vehicle-related data, the Prüm database enables swift identification of stolen vehicles and individuals associated with criminal activities.

While the Prüm database has proven to be a valuable tool, challenges remain, including issues related to data quality, interoperability, and the need for continuous technological updates. Future developments may involve addressing these challenges, exploring enhanced functionalities, and ensuring the sustainability of the database as technology evolves.

However, once one has shared the opinion that the Prüm database enhances law enforcement capabilities, it is imperative to note that its operation is subject to strict data protection standards. The Council Decision of 2008 on the stepping up of cross-border crime³⁶ clearly states that: “*Personal data may be processed only for the purposes laid*

³⁵ FRONTEX, *Risk analysis*, cit.

³⁶ Council Decision 2008/615/JHA, *on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime*, of 23 June 2008, in OJ L 210, of 6 August 2008.

down in paragraph 1 and for the specified events for which they were supplied. The data supplied must be deleted without delay once the purposes (...) have been achieved or can no longer be achieved. The data supplied must in any event be deleted after not more than a year". Compliance with the General Data Protection Regulation (GDPR) and other relevant EU directives should ensure that the information exchanged is handled with due regard for individuals' privacy rights. We will return to this specific problem in the next sections.

4.5 European Car and Driving License Information System (EUCARIS)

The European Car and Driving Licence Information System was established in 1994 in response to increased international trafficking of cars in Europe. It was established to enhance cross-border cooperation, serves as a centralized repository of vehicle-related information, fostering collaboration among EU MS in the fight against the illicit trade in stolen vehicles³⁷.

While both Prüm and EUCARIS contribute to the fight against crime, they operate under different legal frameworks, have distinct scopes of focus, and serve specific purposes within the broader landscape of cross-border cooperation and information exchange in the European Union. The Prüm Framework operates as an international agreement outside the formal EU legal framework, allowing participation by willing MS. It includes, as above underlined, the exchange of biometric data such as DNA profiles and fingerprints for law enforcement purposes.

EUCARIS, on the other hand, is a system established within the EU framework to foster collaboration specifically in the realm of vehicle-related information. The system's primary objectives include facilitating the identification of stolen vehicles, enhancing information exchange among MS, and contributing to the overall security of the EU. EUCARIS operates through a sophisticated network that connects the vehicle registration databases of participating MS. It allows Member Countries, of which there are presently seven full members with several other countries making use of the system on a limited basis, to share data about vehicle and driver registrations and has evolved into a pivotal tool for law enforcement agencies, enabling the exchange of crucial real-time information related to vehicle registration and identification. This efficiency is particularly beneficial in the context of vehicle theft, where timely information can make the difference in recovering stolen vehicles and apprehending criminals. EUCARIS enables MS to share information on vehicle registration, vehicle identification numbers (VINs), and related details.

The use of EUCARIS data in criminal investigations and judicial proceedings raises legal and procedural considerations related to privacy, data protection, and the admissibility of EUCARIS-generated evidence in court. About the latter, admissibility hinges on the extent to which the collection and processing of data by EUCARIS comply with procedural requirements. This includes adherence to data protection laws, ensuring that individuals' privacy rights are respected throughout the entire process. Non-compliance with procedural safeguards may jeopardize the admissibility of the evidence. About the former, new issues relating to the protection of potentially sensitive personal data may be identified, which will require special attention by MS in the national

³⁷ Commission Implementing Regulation (EU) 2021/133, *implementing Regulation (EU) 2018/858 of the European Parliament and of the Council as regards the basic format, structure and the means of exchange of the data of the certificate of conformity in electronic format, establishing the adoption of the EUCARIS database*, of 4 February 2021, in OJ L 42, of 5 February 2021.

implementation of acts relating to EUCARIS. The proposal for a directive amending Directive (EU) 2015/413 on facilitating cross-border exchange of information on road-safety-related traffic offences, for instance, requires an amended version of the software used by EUCARIS³⁸. This new specifically designed software application of the database, will enhance the automated searching of vehicle registration data. MS shall ensure that the automated searching of vehicle registration data is secure, cost-efficient, expeditious and reliable, and carried out by interoperable means within a decentralized structure. Since that MS are allowed to conduct automated searches in vehicle registers to retrieve the data on end users of vehicles where available. A data retention period should be established as regards the identity of the previous owners, holders, and end users of the vehicles to provide authorities with the appropriate information they need for the investigation of the offences. It also cannot be excluded. In the draft proposal it is specified (art. 4, para. 6) that “*The Commission shall adopt implementing acts to establish the procedures and technical specifications, including cybersecurity measures for the automated searches conducted under this Article*”.

5. Determining the Appropriateness and Viability of Categorizing “Vehicle Theft” as a Serious Crime under art. 83 TFEU

As we tried to underline above, vehicle theft is increasingly assuming the nature of transnational crime, with a significant impact on the internal market and citizens and requiring significant cooperation between authorities responsible for the prevention and investigation of criminal offences. Therefore, it may be interesting to explore, in research that aims to make available to scholars and experts new legal tools intended to step up cross-border cooperation by MS in matters covered by Title VI of the Treaty, the viability and appropriateness of the qualification as a serious crime under the definition of art. 83 TFEU and practicality of achieving consensus about it.

Art. 83 TFEU allows the EU to define serious crimes with a cross-border dimension and establish minimum rules regarding the definition of criminal offenses and sanctions. Under art. 83 TFEU, the Council may adopt a (unanimous) decision identifying other areas of crime that meet the specified criteria, including the cross-border dimension of the offense. The application of art. 83, para. 2 TFEU is mainly based on two conditions: firstly, there have to be previous harmonization measures in the respective policy area (existing Union rules or at least a contextual adoption of such rules) and secondly, evidence must exist that measures relating to substantive criminal law are required to ensure the effective implementation of those Union policy measures (civil, administrative, or other sanctioning measures are not sufficient or appropriate). These two conditions must be met cumulatively.

The question of whether to categorize “vehicle theft” as a serious crime requires careful consideration of legal, practical, and policy implications. From a policy perspective, the classification of “vehicle theft” as a serious crime underscores the EU’s commitment to addressing crimes that have a significant impact on the internal market and citizens and can underscore its significance in promoting a safer and more secure environment across EU MS.

As we said, vehicle theft often involves cross-border activities, with stolen vehicles easily transported across MS. This characteristic aligns with the criteria for serious crimes

³⁸ Directive (EU) 2015/413 of the European Parliament and of the Council, *facilitating cross-border exchange of information on road-safety-related traffic offences Text with EEA relevance*, of 11 March 2015, in OJ L 68, of 13 March 2015.

under EU law. It could also reflect a proactive stance in protecting property rights, ensuring public safety, and fostering a desirable harmonized approach that enhance effectiveness of law enforcement efforts.

In general terms, harmonizing definitions and penalties can enhance the effectiveness of law enforcement actions across the EU. In the case, it may lead to improved coordination among MS, facilitating the sharing of information, intelligence, and best practices in combating vehicle theft.

Nevertheless, the categorization of a crime as “serious” under EU law necessitates a thorough examination of multifaceted factors, since that it triggers a range of legal consequences. Restriction for the application of art. 83, para. 2 TFEU is also supported by the proportionality principle (as embodied in art. 5, para. 4 TEU and, specifically for criminal sanctions, in art. 49, para. 3 of the CFREU). This means that when applying art. 83, para. 2 TFEU the Union legislature has to be prudent, as it must respect the *ultima ratio* nature of criminal law measures, which is able to entail disapproval for infringements of rules and may trigger intrusive coercive powers.

More specifically, some might argue that vehicle theft is still primarily a property crime and not necessarily a threat to public safety or fundamental rights. Others may express concerns about the potential encroachment on national legal systems and the need to balance EU intervention with respect for subsidiarity. According to the present Authors, the latter must be carefully examined, avoiding unnecessary centralization of powers and taking into consideration this legal option only if it has robust and tangible benefits in terms of crime prevention, law enforcement effectiveness, and public safety.

6. Future Legal and Operational Developments

Current research covers a specific part of the actual view of the investigations in the field of stolen vehicle trafficking, that has not been yet discussed in the literature and focuses on the effective role of cooperation between MS to obtain the best results in the specific field. The actual framework for the topic is based on a specific operational *paradigm*. The subsequent approach appears very simple: first, the best practices are put together as a common standard. Second, mutual cooperation is a fundamental element, and all strategies have to be shared. This, in turn, implies that the success of one is everyone’s success and everyone’s success is the success of one. Then, at the end of the process, the harmonization of procedures is the best value of the cooperation.

JPOs are a complete success, also if refer, proving that a shared legislation, under the umbrella and the framework of specific EU Directives and Regulations, is the most useful tool for improving Police cooperation³⁹. The same can be said on a different, but intertwined side of the matter, namely the establishment of a common legal framework in national jurisdictions. EU Directives and Regulations are comprehensive and detailed enough as a future legal “matrix”.

General assessment, including the analytical results, the added value and usefulness of JPOs (including their cost efficiency), as well as difficulties encountered and lessons

³⁹ Directive 74/61/EEC, *on the approximation of the laws of the Member States relating to devices to prevent the unauthorized use of motor vehicles*, of 17 December 1973, in OJ L 38, of 11 February 1974; Council Directive 1999/37/EC, *on the registration documents for vehicles*, of 29 April 1999, in OJ L 138, of 1 June 1999; EU Commission and Parliament Recommendations *to combat vehicle crime*, ENFOPOL 12629/02/122, of 10 February 2003; Council Decision 2004/919/EC, *establishing CARPOL as the network of EU law enforcement contact points for tackling cross-border vehicle crime*, of 17 December 2004, in OJ L 389, of 30 December 2004; Implementing Regulation (EU) 2021/133, *cit*.

learned, confirmed the usefulness of contrast trafficking in stolen vehicles but also repeatedly established the connection between trust, good relationships and a common approach.

The EU common approach confirmed that for the best conduction of JPOs is fundamental to have a common vocabulary, clear and focused tasks and an effective use of the Cross Border Police Cooperation instruments, the National Points of Contact Network as well as National and European data bases and the capability to collect a shared output and result based on shared methods and procedures makes a great contribution to the availability of useful information in reporting data. In this vein, the adoption of the EUCARIS database has certainly improved these legal tools and triggered further input to European law enforcement cooperation on the field.

7. Conclusions and Recommendations

Transnational nature of vehicle theft necessitates coordinated efforts among EU MS. Evidence of a raising common intent to obtain real results in the fight against trafficking in stolen vehicles is remarkable. Mutual trust consents to quick exchange of data and the availability of real time information and criminal records from national databases, able to acquire real-time results in focusing activity on specific fields or on better targeted tasks on the road. In this vein, further consolidation of the Prüm database will enable the seamless exchange of information and data sharing among EU MS, providing law enforcement agencies with real-time access to crucial information.

Since the undisputed favour stemming from civil society and Law Enforcement Authorities, a general joint effort and coordination mechanism between European Law Enforcement Agencies led to fight and tracking down new stolen vehicle trafficking routes⁴⁰.

In order to completing the analysis by taking a final look at the international legal cooperation, the presence of INTERPOL *Joint Experts Task Forces* can be underlined. A body of experts constituting a real added value suitable to be exploited in order to thrust forward international cooperation on the field⁴¹.

Research findings demonstrate a direct relationship between anticrime activity done and the specific results obtained during the last five years. The inquiry also confirms that the harmonization of procedures, grounded in common trust, is one the best tools for cooperation against trafficking in stolen vehicles⁴². New targets of Police cooperation are bringing rapid and valuable results at the EU level, with the adoption of a standardized basic plans, investigations, checks and controls procedure, a cross border enforcement and Pan-European control activities⁴³.

Figures and results suggest continuing specific cooperation and organisation of JPOs in the future to continue to contribute effectively to the fight against trafficking in stolen vehicles. In the formation of JPO teams, participants are strongly recommended to improve the mutual trust approach, especially with regard to intelligence resources, before the dispatching operation. That is essential to creating a set of shared points of view and effective performance.

⁴⁰ D. BIGO *et al.*, *op. cit.*

⁴¹ INTERPOL, *Vehicle crime, Our response. Operational and training support help combat vehicle crime*, www.interpol.int/Crimes/Vehicle-crime/Our-response.

⁴² See also P. CESTRA, *Road Policing*, *cit.*

⁴³ Council, *Overview LEWP Networks/Expert Groups – Strategic Objectives*, of 23 June 2016, EU Council Doc. nr. 6883/3/16 COSI/ENFOPOL.

As the EU strives to enhance cross-border collaboration, EUCARIS emerges as a technological cornerstone, facilitating the exchange of vital information and bolstering the collective efforts of MS in combating the illicit trade in stolen vehicles. EUCARIS, on the other hand, is a specific system designed to facilitate the exchange of vehicle-related information among EU MS. Providing a comprehensive platform for sharing information related to vehicles, driving licenses, and their respective holders, the primary purpose of EUCARIS is to support law enforcement efforts, traffic safety, and environmental protection by offering a standardized and interconnected system for accessing data on vehicles and their owners.

It is recommended to continue to build a common intelligence data collection, with a short description in order to provide for a harmonious and standardized interpretation of the results of investigations activities at the Pan-European level.

Future operations should have more involvement in intelligence activity, with an immediate, active exchange of real-time information sharing, enabling law enforcement agencies to access up-to-date data on registered vehicles, identify stolen ones promptly, and take swift action. Crucial results are stemming from the increase of total number of traffic checks and controls as well as the planned operations. In this vein, it is recommended to encourage the participation of all MS as well as other law enforcement authorities and international agencies (EUROPOL, INTERPOL, FRONTEX and ROADPOL).

Results, best practices and lessons learned must be analysed in a proper way to evaluate the possible impact of harmonized future common investigation activities. A future space of well-structured cooperation can achieve an appropriate balance among law enforcement exigencies, ensuring, in the meantime, compliance with the basic principles of the European legal system in the field of freedom of movement. The EU must improve its strategy to combat the phenomenon, even, independently of any single national action and it should become a priority for collaboration and cooperation among the Police Forces of the EU MS, as well as one of the most important of EUROPOL targets. In this vein, further academic and policy discussions will be essential to evaluate whether the EU's intervention in categorizing "vehicle theft" as a serious crime, particularly in terms of compliance with the principle of subsidiarity. Since the appropriateness of this legal option ultimately depends on the necessity of EU-level action versus actions at the national level, it will also be interesting to refer to future data analysis in order to get a deeper comprehension of the evolution of these crimes and the threats they are able to pose to the consolidation of the Area of Freedom Security and Justice. Viability hinges on striking a balance that respects national legal systems while fostering cooperation.

ABSTRACT

The increasing transnational nature of vehicle theft necessitates coordinated efforts among States, requiring investigative actions that go beyond national borders. This investigation delves into the international and European law enforcement cooperation aspects of trafficking in stolen vehicles, aiming to contribute to effective strategies for combating it, particularly on the international and European law plane. The research adopts a normative approach with operational insights, beginning with an examination of the heterogeneous regulatory framework within the European Union and an analysis of available data, including its impact on the Single European Market. Subsequently, the research assesses the state of cooperation in the field, focusing both on the relevant actors in the field and the challenges of implementing intergovernmental treaties and other legal

INTERNATIONAL AND EUROPEAN POLICE COOPERATION AGAINST TRAFFICKING OF STOLEN VEHICLES

tools, such as the Prüm Treaty and EUCARIS database. The article includes a pattern for synergistic and coordinated actions, exploring potential amendments to Art. 83 of the Treaty on the Functioning of the European Union. The ultimate goal is to suggest prospects for the development of police cooperation within European Union law to counteract the phenomenon, identify gaps, and propose corrective measures for improved strategic and operational outcomes. Finally, the authors recommend a broader concept of road surveillance, encompassing new tasks and competencies and involving all relevant stakeholders.

KEYWORDS

CARPOL, EUCARIS, International Police Cooperation, Road Policing Activity, Trafficking in Stolen Vehicles.

COOPERAZIONE INTERNAZIONALE ED EUROPEA DI POLIZIA IN MATERIA DI CONTRASTO AL TRAFFICO DI VEICOLI RUBATI

ABSTRACT

La crescente natura transnazionale dei furti di veicoli richiede sforzi coordinati tra gli Stati, esigendo azioni investigative che vadano oltre i confini nazionali. La presente indagine approfondisce gli aspetti di cooperazione internazionale ed europea in materia di contrasto del traffico di veicoli rubati, con l'obiettivo di contribuire a strategie efficaci per combatterlo, in particolare sul piano del diritto internazionale ed europeo. La ricerca adotta un approccio normativo con approfondimenti operativi, a partire da un esame dell'eterogeneo quadro normativo all'interno dell'Unione europea e da un'analisi dei dati disponibili, incluso il suo impatto sul Mercato Unico Europeo. Successivamente, la ricerca valuta lo stato della cooperazione nel settore, concentrandosi sia sugli attori sul campo che sulle sfide dell'attuazione dei trattati intergovernativi e di altri strumenti giuridici, come il Trattato di Prüm e la banca dati EUCARIS. L'articolo comprende un modello di azioni sinergiche e coordinate, che esamina le potenziali modifiche dell'articolo 83 del Trattato sul funzionamento dell'Unione europea. L'obiettivo finale è quello di suggerire prospettive di sviluppo della cooperazione di polizia nell'ambito del diritto dell'Unione europea per contrastare il fenomeno, individuare le lacune e proporre misure correttive per migliorare i risultati strategici e operativi. Infine, gli autori raccomanderanno un concetto più ampio di sorveglianza stradale, che comprenda nuovi compiti e competenze e coinvolga tutte le parti interessate.

KEYWORDS

CARPOL, Cooperazione internazionale di polizia, EUCARIS, Road Policing, Traffico di veicoli rubati.