

Draft action Plan - EReg Topic Group XVI

Topic Group	Preventing and Combating Vehicle Crime and Fraud													
Chairman Topic group	NL (in the person Mr Werner Postma; whom will be asked to chair this TG)													
Participating members	BE	CH	CY	DE	DK	EE	ES	FI	FR	GI	HU	IE	IM	IS
	LT	LU	LV	MT	NIE	NL	NO	PL	RO	SK	UK
Reading members	BE	CH	CY	DE	DK	EE	ES	FI	FR	GI	HU	IE	IM	IS
	LT	LU	LV	MT	NIE	NL	NO	PL	RO	SK	UK

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I. Problem definition	
<i>Description of the actual situation and the current state of affairs, including a description of the problem(s) and the needed changes.</i>	
Short historical description	<p>Council Decision 2004/919/EC on tackling vehicle crime with cross-border implications offers the legal basis for better cooperation within the EU to prevent and tackle vehicle fraud and crime. According to article 8 section 1 "each Member State shall, in accordance with national law, ensure that its competent authorities [police etc.] take the necessary steps to recover a vehicle owner's or vehicle holder's registration certificate if the vehicle has been seriously damaged in an accident (total loss)."</p> <p>The above mentioned attempt to tackle vehicle crime has not led to any uniformity in registration obligations or procedures in EU legislation. The framework of the 99/37/EU Directive and the current draft Regulation on re-registration can – when amended – be used to reduce vehicle crime and fraud related to (severely) damaged vehicles.</p> <p>The vehicle registration authorities are one of the key players when it comes to the prevention and fight against vehicle fraud and crime. Many vehicle registration authorities nowadays use EUCARIS, the European Car and driving license Information System. EUCARIS encompasses an infrastructure, an organisation, legislation and cooperation between Member States to support the international exchange of transport related data in a harmonized way between registration authorities and other entities like police.</p> <p>The original aim in the early nineties was the exchange of information about vehicle and driving licences to combat fraud during the registration of vehicles and driving licences. Nowadays also other transport related data is exchanged. Basically EUCARIS' objective has changed from: "solving re-registration fraud by sharing</p>

I. Problem definition	
	<p>information ” to “providing a pan-European information exchange system in the field of mobility by and for the participants”.</p> <p>Since the official use of EUCARIS for the Council Decisions 2008/615/JHA and 2008/616/JHA (Prüm) and the Cross Border Directive 2011/82/EC (CBE) the EUCARIS exchange mechanism is used by all 28 Member States. As every European Member State is connected -via EUCARIS- with the rest of Europe, new initiatives in the field of Information can be implemented rather quickly. Also in new initiatives in the field of preventing and combatting vehicle crime EUCARIS can be very valuable.</p> <p>Especially when we co-operate with other actors in this domain, such as the Departments of Justice and Home Affairs and the police, we can prevent and reduce vehicle fraud and crime all over Europe. At the same time, while sharing best practices within the Topic Group we can come with proposals for more uniform definitions and procedures that fit our current daily practice.</p>
Actual state of affairs	<p>In the EU, some 800,000 vehicles are stolen yearly, of which only about half is recovered. Stolen vehicles are ringed, cloned or stripped to sell parts. Severely damaged vehicles are a limitless source for crime. In his presentation at the EReg 2013 Annual Conference Mr Paul Jeffreys (DVLA) showed the main vehicle crime trends and the importance of cross border data sharing to fight vehicle crime and fraud.</p> <p>These vehicles are administratively exported to another country and re-registered there without physical check. This creates great possibilities for crime. The EU does not encourage physical checks before re-registration.</p> <p>VINs and documents serve to cover stolen vehicles through ringing and cloning. This causes great impurity in all national vehicle registers. The documents issued do not really belong to the vehicle that was covered and tax department, insurers and MOT are unwillingly misled by the information attached to the vehicle by the registration authority.</p> <p>The currently used registration procedures facilitate laundering of stolen vehicles by criminals, instead of helping to tackle these criminal activities.</p>
Current problems/ bottlenecks	<p>Vehicle crime does not stop at the border. It would therefore be very helpful if registration authorities could exchange information about (severely) damaged vehicles. Since the misuse of wrecked cars is a major source for crime.</p> <p>Based on a questionnaire that was sent to all EReg members at the beginning of this year, an overview was made of the use of the definitions ‘damaged vehicles’ and ‘ total loss vehicles’ in the EReg Member States (see annex 1) and the involved procedures. The results of the questionnaire show, that there are broad differences in the use of definitions and procedures within the EReg Member States.</p> <p>Current problems when it comes to vehicle fraud and crime related to (severely) damaged vehicles are:</p>

I. Problem definition	
	<ul style="list-style-type: none"> • In most cases registration certificates are not withdrawn or voided in case of (severe) damage to the vehicle; • Most EReg members do not put a notification in the Vehicle Register when a vehicle is (severely) damaged; • There are often no technical inspections when a vehicle is repaired after damage. (Severely) damaged vehicles can be exported administratively to another country and re-registered without physical check; • And therefore, registration certificates are issued for wrecked vehicles. <p>If we want to do something to reduce these criminal activities, we need some form of uniformity of definitions and procedures.</p>

II. Action Plan	
<p><i>Description of the intended goal(s), the suggested approach in order to achieve the desired results, including the planning of the topic group and a concrete description of the products and the deadlines.</i></p>	
Intended goal(s)	Inventarisation of interpretation of definitions (damaged vehicle, total loss), used procedures to identify and register damaged vehicles, and possible solutions between EReg Members, insurance companies (represented by CEA) and judicial enforcement. The EReg Questionnaire on Damaged and Total Loss Vehicles offers an overview of currently used definitions and practices and can be used to start discussions (on overview can be found in annex I).
Approach/ description of the activities	<ul style="list-style-type: none"> - Session on the action plan and scope of the TG; - Session on interpretation of definitions; - Session on practices to identify and register damaged and/or stolen vehicles; - Session on conclusions and possible recommendations.
Planning	<p>Start as soon as possible. Check interest EReg members to participate in TG (by email). Next to Ereg members participants from the police will be invited to participate in this Topic Group. If so, plan 1st meeting of Topic Group at the beginning of 2014 (February/ March). In this meeting the Action Plan and scope of the Topic Group will be discussed.</p>
Results	
<i>Description product</i>	<i>Deadline (dd/mm/yyyy)</i>



III. Organisation

Description of the organisation of the topic group. What resources are needed, who are the (wanted) members of the topic group and when will the topic group report its progress?

EReg Members are invited to participate in this Topic Group. In addition each EReg Member State will be asked to invite one police representative in his/ her respective Member State to participate in the Topic Group. Furthermore, insurance companies (through Insurance Europe) will be invited to participate.

Preconditions/ wishes

<i>Resources/ capacity</i>	<i>Support by EReg Secretariat</i>	<i>Budget (if applicable)</i>	<i>Other, namely...</i>

Reporting progress

Reporting on (dd/mm/yyyy)

Results of the EReg Questionnaire on Damaged and Total Loss Vehicles											
Member State	Definition/ criterion damaged vehicle	Vehicle documents withdrawn or voided when a vehicle is damaged	Notification in the Vehicle Register when a car is damaged	Notification into an Insurance Register	Obligation for technical inspection when a vehicle is repaired after damage	Definition/ criterion total loss	Vehicle documents withdrawn or voided when a vehicle is a total loss	Notification in the Vehicle Register when a vehicle is a total loss vehicle?	Notification into an Insurance Register	Obligation for technical inspection when a vehicle is repaired after damage	Might it be useful to exchange information using EUCARIS?
Belgium	Yes, damage to the chassis, steering-, suspension- or brake-components	No	Yes	Yes	Yes, focused on the geometry of the vehicle the chassis and the body By GOKA	Yes, division into four groups	No	Yes		Yes By GOKA (PTI Belgium)	Yes
Cyprus	Yes, vehicle involved in an accident	No	No	Yes	No	Yes, repair will cost near its market value (ELT)	No	No	Yes	No By Technical Inspection Authorities	Yes, only for total loss vehicles
Denmark	Damage exceeds 65% of the market value	Yes, by the insurance company	Yes in the vehicle register		Yes By Technical Inspection Authorities	Yes, when it has been called for 28 days	Yes, by the insurance company	Yes		Yes	Yes, only for total loss vehicles
Finland	If Insurance company deems the vehicle as damaged	Yes, by police, inspection station or insurance company	Yes		Yes By the inspection station	No, a certificate of destruction or other reliable proof that the vehicle has been destroyed is considered prove of TTL	Yes	Yes		Registration for finally deregistered vehicle is not possible	Yes
Germany	No rules, except 'economic total loss vehicle' (ETL)	No	Yes, into the local and central Vehicle register		Depends on the extend of the damage. By TUV/Dekra	No, insurance companies use the term 'economic total loss vehicle'	No, authorities have the power to withdrawn	No, a notification may be made into the local and central Vehicle Register In case of de-registration the local and central Vehicle Register must be notified	No	Depends on the extend of the damage By members of a technical control board	Yes
Gibraltar	No	No	No	No	No	No, when the damage to the vehicle is so extensive that it may not be repaired safely	No, only is the owner does no longer want to keep the vehicle	No, unless a user informs the DVLD	No	Yes, if there has been notification By the Driving and Vehicle Licensing Department	Yes
Hungary	No	Yes, by the National Transport Authority or the police by roadside checks	Yes, to be concluded from the data to the fact (no specific damaged signal)		Yes By the National Transport Authority	No, it depends on the practice of the insurance companies	No, only is the owner does no longer want to keep the vehicle	No	No	Yes By the National Transport Authority	Yes, only is there are clear and common definition / even legislation
Iceland	Yes, seriously damaged in an accident, or when specific technical defaults have been identified at a roadside check	No	Yes		Yes By the Road Traffic Directorate	No, it depends on the practice of the insurance companies	No, those vehicles cannot be exported or used again	Yes		No, vehicles are not to be repaired or used again	Yes
Ireland	No	Yes, only as part of the procedure around total destruction	No	Yes	No	No, it depends on the practice of the insurance companies (they often use UK ABI code of practice)	No	No, only in the case of damaged vehicles	Some private insurance maintain a insurance register	No	Yes
Isle of Man	Yes? Damage beyond economic repair	Yes, documents are sent to the insurance company	Yes, by category A,B (total loss) or C (can be repaired), or D		Yes By the government's Vehicle Test Centre	No, when a vehicle is damaged irreparably beyond economic repair	No, the insurance company settles the claim	Yes, the insurance company notifies the Department and can qualify as category A or B (total loss)		Yes, vehicle must pass a roadworthiness test By the government's Vehicle Test Centre	Yes
Latvia	No	No, only if the vehicle is written off	No	Yes	If there is information that the vehicle was damaged, it is obligation to make VIN verification By the Latvian vehicle register	No, it depends on the practice of the insurance companies	No, only if vehicles are written off	No	Yes, in the Insurance Register	It is obligatory to make a VIN verification By the Latvian vehicle register	Yes
Lithuania	No	No, only is the police considers it necessary	No, there is a proposal to enter information on damaged and total loss vehicles in the	No	Yes, PTI By PTI stations	No, it depends on the practice of the insurance companies. Proposal for law	No, only if the Registration Authority is notified and the Certificate of destruction is	No, there is a proposal to enter information on damaged and total loss	No legal requirement. In some cases	Yes, during PTI By PTI stations	Yes

			Road Vehicle Register			contains the definition: 70% of the vehicle is damaged	submitted	vehicles in the Road Vehicle Register	the information goes either directly or via Police to relevant insurance companies		
Luxembourg	No official legal definition, choice is left to the Police or automotive experts commissioned by insurance companies to evaluate a damaged vehicle	No, but there is the intention to give the police the right (the obligation), when called to a road inspection	Yes, the Ministry of Transport is informed		Yes, there is a general legal obligation to submit a damaged vehicle to an extraordinary technical inspection. There is a procedure where the minister of transport summons the owner By any officially accredited PTI organization	No, the choice is left to the Police or the automotive experts commissioned by insurance companies	No, there is an intention to give the police the right to withdraw the registration document	Yes, police and insurance companies are obliged by law to inform the minister of transport		As before	Yes
Norway	No	No	No	Yes	Yes, but based on what? By a Driver and Vehicle Licensing Office	No, it depends on the practice of the insurance companies	No	No	Yes, if reported to the insurance company	Yes, but based on what? By a driver and Vehicle Licensing Office	No comment
Poland	No	No, but the police may keep the registration certificate, depending on the damage	No, but information about additional technical inspection conducted after repairing a vehicle is collected	Yes	Yes, PTI By the Vehicle Inspection Station	No, it depends on the practice of the insurance companies	No, the police can keep the registration certificate	No, local registration authorities can put information about deregistration in the Central Register	Yes	Yes By the vehicle inspection station	Yes, it might be helpful for controlling illegal transfer of end-of life vehicles to other countries
Slovakia	No	No, as the vehicle is supposed to be fixed again	No	Yes	No, no need if the PTI is still valid By specially authorized technical control stations	No	Nee?	Yes, after a vehicle is scrapped, status is changed		No, no need if the PTI is still valid By specifically authorized technical control stations	?
Sweden	No	No	No	No	No	No	No, only if a vehicle is scrapped	No	Yes, if the Insurance Company has redeemed the vehicle and paid compensation	No By the Vehicle Inspection	Yes
Switzerland	When the reparation of the damage is more expensive than the actual value of the vehicle	Yes, document is annulled by the cantonal registering authority, and send to the shredder.	No	No	No	No, the vehicle is divided after an accident in spare parts, which are still usable.	Yes, annulled by the cantonal registering authority	No	Yes, in the database of the insurance companies	No. As a vehicle is deregistered, it is checked by the cantonal registering authority	No
The Netherlands	Yes, seven criteria	Yes, by the police	Yes		Yes, obligation when a vehicle is repaired after damage By the inspection centres of the RDW	No	No	No	Not by the RDW, insurance companies hold this information in their own systems	If a scrapped vehicle is put back into road services. By RDW	Yes
United Kingdom	Yes, voluntary code, 4 categories (light damage to vehicle should be crushed)	No	Yes, notified by the insurance company via an automatic link. The vehicle record is update with the insurance damage category		Yes, for all cars and certain light vans in Category A,B and C By VOSA	? All total loss vehicles must be recorded on the Motor Vehicle Insurer's Anti Fraud and Theft Register (MIAFTR)	A Authorised Treatment Facility should be presented.	Yes, after a Certificate of Destruction is issued by the ATF		No, cannot be put back on the road, no need for technical inspection	Yes