



## EUROPEAN COALITION AGAINST METAL THEFT

### JOINT CALL FOR ACTIONS AGAINST METAL THEFT AT EUROPEAN LEVEL

*Brussels, 26 May 2015*

#### **Metal theft: continuity of services at great risk**

Metal theft happens every day across Europe and results in the disruption of many services of general interest, such as public transport, railways, energy networks and telecommunications. Metal theft not only causes huge economic losses for businesses and society but can also create potential risks for the safety of companies' staff and citizens, and has negative impacts on the quality of services and security of supply.

Furthermore, in many cases, metal theft is a form of organised cross-border crime, and as such represents a threat to the internal security and economies of EU Member States.

Different items are being stolen due to the monetary value of their constituent materials, most frequently ferrous and non-ferrous metals, and in most cases thieves seek to exchange their stolen metal for money. However, the impact of metal theft goes far beyond the actual value of the stolen material.

Metals and their alloys play an important part in all infrastructures of general interest due to their characteristics such as, inter alia, strength, conductivity and durability. They are widely used in rail signalling, telecommunication and electrical equipment, which are essential for the functioning and the efficiency of services of general interest.

In this sense, metal theft causes important damage and inefficiencies in the overall economy of the affected sectors, also due to interdependencies among them, and implies serious losses of material and the accompanying need to quickly replace them in order to restore the disrupted services.

**Our organisations, representing public services strongly affected by metal theft (public transport, railways, energy networks) and the recycling industry, see metal theft as a phenomenon having a clear European cross-border dimension. Thus, we are joining forces in order to urge the EU policy makers to tackle metal theft without further delay by addressing the following aspects:**

- **Legislative action**
- **Coordinated action and data collection**
- **Dissuasive Action**

## **LEGISLATIVE ACTION**

Some EU Member States have taken a variety of measures to prevent or sanction metal theft, such as stricter rules for buying/selling “sensitive” items (e.g. manhole covers, storm drains, electricity poles or transmission towers, commemorative plaques, transport structures, railway parts, etc.) or legislation setting a limit for or even prohibiting cash payment for scrap metals and waste, in particular regarding copper.

Nonetheless, in order to ensure that minimum standards are respected across Europe, it is important that the European Commission ensure that Directive 2008/98/EC on waste is properly implemented by Member States.

It is also critical that all legal or natural persons that sell or buy metal waste and scrap (e.g. collectors, transporters and carriers of waste and scrap, dealers, brokers, sorters, processors and metal-works) are either registered or have a permit to do so according to the existing European and national rules. Member States’ national authorities should have the capacity to enforce existing legislation and prohibit uncontrolled management of metal waste and scrap. In particular any waste management facility that is neither registered nor has a permit, and/or is not running its business according to existing legislation must face effective, proportionate and dissuasive penalties so that it is either forced to comply or closed down in a timely manner.

On top of the actions mentioned above, the European Commission should consider proposing new measures requiring that all legal or natural persons buying metal waste and scrap keep a record of the purchased material, the sellers’ identity (name, document used for identity verification, and address) and of information on the vehicle rear registration plate, if used to transport scrap and waste. Such information should be kept on record and made readily available to law enforcement authorities investigating metal theft in accordance with the applicable legislation on the processing of personal data and on the free movement of such data. Any new measures should be proportionate and fit for the purpose of combatting metal theft. Their final aim should be to guarantee that law-abiding legal or natural persons that sell or buy metal waste and scrap do not suffer from illegal activities.

It should also be noted that, whilst the EU is a net importer of materials, there is both an intra-EU and an extra-EU trade in waste and scrap, with non-ferrous metals commonly transported in containers and ferrous scrap in bulk carriers. In order to prevent illegal waste shipment, which is usually carried out by organised crime networks, Member States should ‘provide, inter alia, for inspections of establishments, undertakings, brokers and dealers in accordance with Article 34 of Directive 2008/98/EC, and for inspections of shipments of waste and of the related recovery or disposal’, as stated in article 50(2) of Regulation (EU) No 660/2014 amending Regulation (EC) No 1013/2006 on shipments of waste.

Over time, a thorough monitoring and authorisation process will allow the identification and prosecution of illegal waste management facilities while at the same time creating the right conditions for law-abiding ones to thrive.

## **COORDINATED ACTION AND DATA COLLECTION**

In our respective fields, there have been strong efforts to find the best solution to decrease the negative impact of metal theft on the quality of public life. In order to protect our infrastructures from metal theft, our sectors have put different technical measures in place and established cooperation mechanisms with law enforcement authorities and other sectors, also representing infrastructures of general interest. These measures have already improved the level of protection of services when combatting certain forms of metal theft. As an example, early warning systems have been put in place by operators of public services and metal recyclers. Such initiatives between operators of public services and metal recyclers should be supported and further developed across Europe.

However, considering the scope of the problem, there is a need for additional and complementary EU policy actions. Hence, the EU institutions, national authorities and private sector need to work together in order to enhance the effectiveness of their respective actions. The Pol-PRIMETT I & II project, an EU co-funded project tackling metal theft via a transnational public-private sector partnership, represents a good example of how this kind of cooperation can lead to positive results.

The international coordination and cooperation between law enforcement authorities and affected market operators also need to be intensified and extended, taking into account the implementation of already existing practices, strategies and approaches at national and European level such as, among others, the European Council's *Stockholm Programme - An open and secure Europe serving and protecting citizens* (2010), Europol's *EU Serious and Organised Crime Threat Assessment* (2013), the Council's *Priorities for the fight against serious and organised crime between 2014 and 2017* (2013) as well as the strategic goals defined under the European Multidisciplinary Platform against Criminal Threats (EMPACT) project on Organised Property Crime.

Effective law enforcement actions require exchange of data at national and European level, which can feed into a more accurate intelligence picture of organised metal theft crime and, under Europol's coordination, enable law enforcement authorities to be more efficient and effective. All EU Member States need to make proper use of Europol's communication channels, and disclose relevant information to affected infrastructures and stakeholders so that they can also work effectively and more efficiently.

Furthermore, a common European data collection could enable the comparison of trends in metal theft crime at the EU level. Such data would highlight the actual extent of metal theft in each Member State.

From a broader perspective, better knowledge of metal theft must be accompanied by an ever more effective EU police and judicial cooperation in criminal matters as metal stolen often cross borders and requires an efficient and fast response from police forces and judicial authorities in different Member States.

## **DISSUASIVE ACTION**

In some Member States the metal thieves are punished only based on the value of the stolen material. Nevertheless, the real impact of metal theft on the businesses, their customers and the whole society needs to be taken into account. It is therefore important that the foreseen penalties are proportional to the considerable seriousness of the

offences. The European Commission together with the Member States should consider establishing common definitions and sanctions for crime on services of general interest, such as metal theft crime against public services (energy, transport, and telecommunications), taking into account the real impact of the crime when punishing the offenders.

Furthermore, appropriate awareness-raising campaigns and training sessions should be promoted for judicial authorities in the EU Member States. This would provide them with the necessary knowledge basis that will allow them to take into consideration all the material and immaterial implications of metal theft when deciding on sanctions.



**CEDEC** represents the interests of local and regional energy companies from ten European countries. CEDEC represents more than 1500 companies with a total turnover of 120 billion Euros, serving 85 million electricity and gas customers & connections, with more than 350.000 employees. These predominantly medium-sized local and regional energy companies have developed activities as electricity and heat generators, electricity and gas distribution grid & metering operators and energy (services) suppliers. The wide range of services provided by local utility companies is reliable, environmentally compatible and affordable for the consumer. Through their high investments, they make a significant contribution to local and regional economic development.



**CER**, the Community of European Railway and Infrastructure Companies, brings together more than 70 members - European railway undertakings, their national associations as well as infrastructure companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises. CER members represent about 61% of the rail network length, more than 84% of the rail freight business and about 99% of rail passenger operations in EU, EFTA and EU accession countries. For more information, see [www.cer.be](http://www.cer.be) or follow us via Twitter at [@CER\\_railways](https://twitter.com/CER_railways)



**COLPOFER** (Collaboration of railway police and security services) gathers representatives of European railway companies and of police authorities in charge of the surveillance of the railway environment. Its mission is to improve the protection of persons, premises, trains and information within the railway system through a strong cooperation between railway police forces and railway companies security organizations. It was created in 1981 and has currently 30 member organizations from 24 European countries. COLPOFER is a Special Group of UIC (International Union of Railways).



**EDSO** for Smart Grids gathers leading European electricity distribution system operators (DSOs) cooperating to bring smart grids from vision to reality. The development of smart grids is a prerequisite to reaching the EU's ambitious energy, climate, internal market and energy security objectives. EDSO and its members are committed to this challenge whilst at the same time promoting the reliability, optimal management and technical development of the electricity distribution grids. Our association is the key interface between the DSOs and the European institutions, promoting the development of smart grid technology, new market designs and regulation. You can find more information on our [website](#) and [brochure](#).



**EFR AISBL**, the European Ferrous Recovery and Recycling Federation is located in Brussels, Belgium. EFR was created in 1992 from COFENAF the Liaison Committee for ferrous scrap within the E.E.C. which was founded in 1967. EFR members are national associations and federations in the EU Member States representing the interests of commercial firms that are primarily involved in the collection, trade, processing and recycling of ferrous scrap. In the E.U. Member States, more than a thousand large companies and SMEs are represented through EFR. EFR is a founding member of the European Recycling Industries' Confederation "EuRIC". This new Brussels-based international association is an umbrella organisation of recycling industries in Europe.



**ENTSO-E**, the European Network of Transmission System Operators, represents 41 electricity transmission system operators from 34 countries across Europe. ENTSO-E was established and given legal mandates by the EU's Third Legislative Package for the Internal Energy Market in 2009, which aims at further liberalising the gas and electricity markets in the EU. ENTSO-E promotes closer cooperation across Europe's transmission system operators, who serve 532 million European citizens and operate 305 000 km power transmission lines.



**EURELECTRIC**, the Union of the Electricity Industry, is the sector association which represents the common interests of the electricity industry at pan-European level, plus its affiliates and associates on several other continents. EURELECTRIC has over 30 full members which represent the electricity industry in 32 European countries.



**EUROMETREC AISBL**, the European Metal Trade and Recycling Federation is located in Brussels, Belgium and was created in 1990 from the Liaison Committee for non-ferrous metals trade within the EU, which was itself formed in 1969. EUROMETREC members are national federations in the EU Member States representing the interests of commercial firms that are primarily involved in the collection, trade, processing and

recycling of non-ferrous metal scrap. In the E.U. Member States, more than a thousand large companies and SMEs are represented through EUROMETREC. EUROMETREC is a founding member of the European Recycling Industries' Confederation "EuRIC". This new Brussels-based international association is an umbrella organisation of recycling industries in Europe.



**GEODE** is the Voice of local Energy Distributors across Europe. The association represents more than 1500 European independent distribution companies of gas and electricity in 15 countries.



**UIC** is the worldwide organisation for international cooperation among railways and promotion of rail transport at a global level. Founded in 1922, it currently gathers 200 members on all 5 continents, among them railways, rail operators, infrastructure managers, railway service providers, public transport companies, etc. Further UIC maintains close cooperation links with all actors of rail transport, including industries, railway associations and public authorities. The UIC's main tasks include: preparing standards and recommendations to facilitate international rail traffic, carrying out projects promoting exchanges of information and experience, providing dissemination platforms and international training schemes, representing the rail transport mode, worldwide and concluding agreements with international organisations and cooperating with all organisations specialising in rail matters and transport issues.



**UITP** is the international association representing public transport stakeholders. In the European Union, UITP brings together more than 400 urban, suburban and regional public transport operators and authorities from all Member States and is consequently recognised as a key interlocutor for the European institutions and other bodies. UITP represents the perspectives of short distance passenger transport services by all sustainable modes: bus, regional and suburban rail, metro, light rail and tram and waterborne. These services are often organised in integrated public transport networks covering metropolitan areas and other specific territories.