



**COUNCIL OF
THE EUROPEAN UNION**

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**CRIMORG 81
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"I/A"NOTE

From : General Secretariat
To : COREPER/Council

No. prev. docs. : 9766/09 CRIMORG 79 ENFOPOL 122 TRANS 189
6901/1/09 CRIMORG 29 ENFOPOL 43 TRANS 82
15409/08 ENFOPOL 222 CRIMORG 187 TRANS 380

Subject : Draft Council Recommendation on tackling illegal motor races

Illegal car or motorbike racing on public roads has become a serious problem for national police forces and cross-border police cooperation in Europe. The international dimension and the increasing number of “cannonball races” and similar events require common action by Member States to deal with this emerging phenomenon through closer and more effective cooperation. The Czech Presidency wishes to strengthen the links between Member States' police services by reinforcing operational cooperation in tackling illegal motor races.

The main aim of these illegal motor races is to cover as much ground as possible, as fast as possible, across several EU Member States. The participants are usually men driving powerful, top-of-the-range cars. They intentionally commit traffic offences or are aware of the fact that they might do so; thus they can pose a threat to the life and limb of other road users, as is shown by the serious accidents that have occurred in the past, e.g. during the “Gumball 3000” race.

Those taking part in these illegal races tend to come from the wealthier strata of society, which is why even the highest of fines are accepted and paid as “part of the race”.

The legal situation with regard to illegal motor racing is not the same throughout the EU, because the traffic regulations are subject to the principle of subsidiarity and are thus a matter for the Member States themselves. For this reason there are differences in the legal instruments which Member States use to deal with the phenomenon, in terms of both prevention and suppression.

Given all the differences in the legal instruments used by Member States, a sharing of best practice in the area of national measures to combat illegal motor races would seem to be necessary.

There is at present no EU-wide standardised information system on illegal motor racing whereby the competent authorities could share relevant data on a 24/7 basis. This requires clear, standardised rules as a basis for exchanging information of this type.

At its meeting on 19 May 2009 the Article 36 Committee agreed to the draft Council recommendation on tackling illegal motor races, as set out in annex and decided to submit it to COREPER/Council for approval.

COREPER/Council are invited to approve the draft Council Recommendation on tackling illegal motor races as set out in annex.

Draft Council recommendation on tackling illegal motor races**THE COUNCIL OF THE EUROPEAN UNION**

RECALLING THAT

- one of the objectives of the European Union is to strengthen operational cooperation between Member States in order to combat all forms of unlawful conduct more effectively, thus contributing to the consolidation of the European Union;
- closer cooperation between Member States' police forces is essential for providing citizens with a high level of safety within an area of freedom, security and justice;
- in an enlarged area of free movement of persons and goods, road safety is a major factor in the protection of European citizens. The Council has already adopted conclusions on the coordination of Police action on road safety affirming its determination to launch the necessary initiatives to improve strategic and operational cooperation to improve road safety;
- Union and Community policy play an essential role in road safety as evidenced in particular by:
 - The European Road Safety Action Programme "Halving the number of road accident victims in the European Union by 2010: a shared responsibility"
 - Recommendation 2004/345/EC on enforcement in the field of road safety, which encourages Member States to apply good enforcement practices
 - the Commission White Paper entitled "European transport policy for 2010: time to decide" which sets the aim of halving the number of deaths by 2010;
- the importance of effective collaboration with other road safety actors at European level

WHEREAS

- Illegal motor races with international dimensions pose a challenge to Member States' services responsible for road safety and in particular Member States' police forces;
- The Member States' police forces are increasingly confronted with illegal motor racing on public roads;
- With a view to effectively and efficiently preventing and combating such behaviour, it is essential that police forces are enabled to co-operate and provide assistance in a structured way;
- To prevent and combat unlawful conduct in connection with illegal races that have an international dimension, it is particularly necessary to reinforce cross-border police cooperation;

RECOMMENDS THAT MEMBER STATES

- ensure a targeted flow of information on the ongoing evaluation of and the immediate forwarding of information on illegal racing as it unfolds so that the Member States' police forces have access to information enabling them to assess the situation;
- encourage and facilitate the immediate exchange of information on illegal racing via a direct channel between neighbouring Member States within the existing structures at bilateral, regional and European level;
- to exchange best practice on the tackling of illegal races, especially by means of specimen projects;
- to establish international procedures and precautions for eliminating unlawful conduct of by drivers of cars and motorcyclists competing in illegal races;

- set up an informal list of contact addresses for the exchange of information and best practices on illegal motor races;

INVITES

- CEPOL to implement joint training actions aimed at the tackling of illegal races.
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