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Berlin Declaration

on Increased Cooperation in Combatting Drug Crime and Organized Crime in Europe

At its meeting of 24/25 June 1994 in Corfu, the European Council invited the German presidency to organise a conference on Drugs and Organized Crime with the countries of Central and Eastern Europe (Bulgaria, Poland, Rumania, the Czech Republic, the Slovak Republic, Hungary). To this end, the Ministers for Justice and Home Affairs of the Member States of the European Union and of the acceding States - Austria, Finland, Norway and Sweden - with the participation of the European Commission, met the Ministers from Central and Eastern Europe responsible for combatting drug-related crime and organized crime in Berlin on 8 September 1994.

Having regard to the fact that after the fundamental political changes of the past few years, the relations between the European Union and the associated States of Central and Eastern Europe have been put on a new basis by the conclusion of Association (Europe) Agreements;

convinced that in the prospect of accession of the associated States of Central and Eastern Europe to the European Union, which was referred to in the Europe Agreements and confirmed at the European Council in Copenhagen, the dialogue on the issues under discussion today has gained a specific significance;

deeply concerned that the illicit manufacture of and illegal traffic in narcotic drugs and psychotropic substances in Europe will assume increased dimensions which jeopardize the health of citizens and social and economic conditions in the countries concerned and contribute to the increase of crime;

recognizing that the growth of transfrontier organized crime constitutes a challenge to the governments of all countries in Europe;

considering that the security of citizens is increasingly jeopardized by the theft of and illicit trade in radioactive and nuclear material;

in the desire to expand and intensify cooperation in order resolutely to combat organized crime in Europe;

having regard to the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms and the UN Convention of 28 July 1951 on the Status of Refugees ;

the Ministers declare that :

1. Cooperation in fighting all forms of organized crime should be further developed. Emphasis should inter alia be placed on the illicit production of and traffic in drugs and psychotropic substances and crime involving radioactive and nuclear material, traffic in human beings, illegal immigration networks, illegal transfer of motor vehicles and the crime of money laundering in connection with these forms of crime.
2. To this end, cooperation is to be developed with due regard to national legislation and existing initiatives, with particular emphasis on the examination of the following issues :
 - possibilities of a precise assessment of the situation;
 - intensification of operational cooperation on the basis of respective national legislation;
 - exchange of liaison officers and experts to provide information on techniques, methods and special forms of crime suppression and forensic science;
 - exchange of experience and results of research regarding the aforementioned types of crime, especially new forms of modus operandi;
 - coordination of assistance in the fields of counselling, equipment and training;
 - use of compatible technical equipment and procedures.

3. In combatting the aforementioned forms of crime, the following means of improving cooperation in the following fields should be examined in particular :

Illicit drug trade

- signature and early ratification of the 1988 UN Convention on Narcotic Drugs by countries which have not done so to date;
- facilitation of transboundary observation;
- cooperation with regard to "controlled deliveries";
- cooperation in the use of informants and under-cover agents;
- full use of the coordinating function of the United Nations Drug Control Programme (UNDCP-Task Force) with regard to assistance concerning training and equipment.

Theft of and illegal trade in radioactive and nuclear material

- preparation of a joint comprehensive assessment of the situation regarding the extent, the development and the threat potential of the illegal handling of radioactive and nuclear substances, including an analysis of types of offenders and their modus operandi;
- cooperation regarding the protection and safeguarding of existing radioactive and nuclear stocks;
- setting up of rapid coordinated reporting channels in an appropriate framework including all Member States concerned;
- mutual assistance of prosecuting authorities in investigations by means of harmonized measures and mutual support in terms of staff, equipment and organization;

- intensification of border controls by equipping the competent authority with appropriate surveillance installations and the carrying out of exit controls and controls of hazardous goods at ports and airports; Art. 7A of the Treaty on European Union remains unaffected;
- penalties for the theft of and illegal trade in radioactive and nuclear material, and
- regulations on the forfeiture of illicit proceeds from such crimes.

Traffic in human beings

- extension of the responsibilities of bilateral liaison officers to include this area of crime;
- uniform collection of statistical data as a basis for the preparation of appropriate measures;
- drawing up of a manual on legislation and administrative practice in the fight against illegal traffic in human beings.

Illegal immigration networks

- improvement of cooperation in visa policy as well as scrutiny during issuing visas;
- effective border controls and border surveillance in countries from or through which people are smuggled; Art. 7A of the Treaty on European Union remains unaffected;
- effective action against sea and air carriers transporting aliens without the requisite documents;
- to the extent that it has not yet been done, the introduction of provisions that also penalize the illegal smuggling of aliens also into the territory of other participating States;

6. At the UN Conference for Combatting Organized crime to be held in Naples in November 1994, the States meeting in Berlin will also have due regard to the adoption of measures along the lines of this Declaration.
7. Participants in this Conference will regularly exchange information on questions relating to cooperation in the fields of justice and home affairs. They agree that the aforementioned measures need more detailed examination and that a form of future cooperation of the EU with the States of Central and Eastern Europe that satisfies all participants has to be developed. In the examination of appropriate forms of such cooperation that does not prejudice existing bilateral and multilateral agreements, all relevant possibilities for cooperation should be explored. Moreover, agreement existed to make full use as far as possible of all options offered by existing association agreements between the European Union and the States of Central and Eastern Europe. The initiative launched by Italy and the United Kingdom, under which a regular political dialogue will be held between the European Union and the States of Central and Eastern Europe, and new relations between the European Union and these countries will be developed in the fields of justice and home affairs, should be continued and developed.